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UNITED STATES DEPARTMENT OF AGRICULTURE

Forest Service

FOREST, TIMBER, AND TREE LAWS, IN GENERAL,

OF

PORTO RICO

(Of a General Nature)

Compiled by

J. S. PEYTON

Under the Supervision of

J. G. PETERS

Chief, State Cooperation

May 1, 1912

Subject Matter

This Compilation contains all of the Forest, Timber, and Tree Laws, in general, of Porto Rico, in effect at the date of preparing this Compilation, viz: Body of compilation. May 1, 1912, which constitutes a part of the general and permanent legislation of the Island (including the Spanish "Law of Waters," which has been reenacted, see pp. 22, 23-29 hereof).

An Appendix has been added to the Appendix to compilation. Compilation containing the following matter:

Extracts from the Organic Act (see p. 45 hereof);

Certain Laws, Ordinances, Decrees, and Military Orders which were in force on May 1, 1900 (see pp. 46-59 hereof), some of which are still in effect (see pp. 49, 50, 53, 54, 56 hereof), and the remainder, although no longer in effect, are of some value historically (see pp. 52, 57-59 hereof):

Two Acts classed as temporary (see p. 60 hereof);

Joint Resolution No. 7, approved March 9, 1911 (see p. 61 hereof);

Translations of certain old Spanish Laws, dating from 1513 to 1596, inclusive (see pp. 62-64 hereof), concerning settlement rights, including planting of trees.

The laws contained in the body of this Compilation (pp. 1-42 hereof), have been gathered from the "Compilation of the Revised Statutes and Codes of Porto Rico, 1911," which is at this date, May 1, 1912, in course of preparation by the Bureau of Insular Affairs, War Department, and which will be published as Senate Document No. 813, 61st Congress, 3d Session; to which has been added an amending act of March 7, 1912, No. 56 (see p. 14 hereof).

The laws, orders, etc., contained in the Appendix to this Compilation (pp. 44-64 hereof), have been Appendix to compilation. gathered from:

Revised Statutes and Codes of Porto Rico, 1902 (p. 60 hereof);

Laws, Ordinances, Decrees, and Military Orders which were in force on May 1, 1900 (House Document No. 1484, 60th Congress, 2d Session), Parts 2, 3, 4 (see pp. 46-59 hereof);

Session Laws of Porto Rico, 1911, (1st Session of 6th Legislative Assembly (see p. 61 hereof);

A volume containing certain old Spanish Laws, entitled, "Recopilacion De Leyes De Los Reinos De Las Indias," published at Madrid, 1841 (see pp. 62-64 hereof).

Compiler, Forest Service.

May 1, 1912

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^a Note.--The Bureau of Insular Affairs has in contemplation the preparation of an Appendix to its compilation. The matter theretofore has not, however, yet been compiled. Consequently, in preparing the Appendix to this Forest Service Compilation, it has been necessary to gather the material from the various publications containing the same. Compiler, Forest Service.

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^aBy Bureau of Insular Affairs, War Department.

C O M P I L A T I O N

OF THE

REVISED STATUTES AND CODES

OF

PORTO RICO

EMBRACING CERTAIN SPANISH LAWS STILL IN FORCE IN PORTO RICO
THE ACTS OF THE LEGISLATIVE ASSEMBLY OF PORTO RICO FROM
DECEMBER 3, 1900, TO MARCH 9, 1911, OMITTING ALL
PRIVATE, SPECIAL, TEMPORARY, AND LOCAL ACTS AND
LAWS WHICH DO NOT CONSTITUTE A PART OF THE
GENERAL AND PERMANENT LEGISLATION OF
THE ISLAND OF PORTO RICO

Together with

THE ORGANIC LAW OF THE ISLAND OF PORTO RICO

Being the Treaty of Peace with Spain,
And Acts of Congress Having Special
Reference to Porto Rico

- - - -

COMPILED IN

BUREAU OF INSULAR AFFAIRS, WAR DEPARTMENT

- - - -

WASHINGTON

GOVERNMENT PRINTING OFFICE

1911

I N T H E S E N A T E O F T H E U N I T E D S T A T E S

February 3, 1911.

R e s o l v e d, That the ^acompilation of the laws and codes
of Porto Rico with indices be printed as a public document

CHARLES G. BENNETT,
Secretary.

^aCompilation by Bureau of Insular Affairs, War Department
(p. 3 hereof). Compiler, Forest Service.

ADVERTISEMENTS.

No. 55. AN ACT To regulate bill post-
Mar. 10, ing, sign and bulletin painting,
1910. p. card and banner tacking, and out-of-
155. door advertising.

Be it enacted by the Legislative Assembly of
Porto Rico:

(1) Section 1. That no person shall erect billboards, sign or bulletin boards, upon property belonging to, or subject to an easement in favor of The People of Porto Rico upon or adjoining public roads or highways, and that no person shall affix, post, print, paint or otherwise fasten any handbill, sign, poster, advertisement, or notice of any kind whatsoever upon any tree, * * * upon such property.

(2) Sec. 2. No person shall paste, post, paint, print, nail, or otherwise fasten any handbill, sign, poster, advertisements, or notice of any kind whatsoever, or cause the same to be done, on * * * or upon any tree, * * * within the limits of any public street or highway in Porto Rico.

* * * * * * * * * * * *

(7) Sec. 7. Advertisements or announcements of the United States, Insular or Municipal Governments are hereby exempt from the restrictions of this act.

(9) Sec. 9. Any person, firm or corporation violating any of the provisions of this act or any rule or regulation issued in pursuance of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than one hundred dollars for each offense, and the violation of any of the provisions of this act shall constitute a separate and distinct offense.

* * * * * * * * * * * *

Repealing (10) Sec. 10. All laws, de-
clause. crees, general orders, or parts of laws in conflict with this act are hereby repealed.

Act effect- (11) Sec. 11. This act shall
ive when. take effect from and after its approval.

Approved, March 10, 1910.

AGRICULTURAL LOANS.

AN ACT Authorizing agricultur- Mar. 10.
ists to contract loans guaranteed 1904. p.
by products * * * and for other 141.
purposes.

Be it enacted by the Legislative Assembly of
Porto Rico:

(36) Section 1. The agriculturists may contract loans upon products and agricultural implements, which they shall keep in their hands carefully and gratuitously while serving as guaranty for money loaned.

(37) Sec. 2. There shall be admitted, as guaranty for this special kind of loans, * * * farm products, * * * building lumber, * * * .

(38-48) Secs. 3-13.

Note.--For the provisions in full concerning the matter of contracting loans upon the articles named in (37) Sec. 2, see the text of (38-48) Secs. 3-13, (51), in the Rev. Stat. and Codes of Porto Rico, 1911.

(49) Sec. 14. All laws, orders, or parts of them, except the Mortgage Law, in conflict with this act, be and the same are hereby repealed.

(50) Sec. 15. This act shall take effect from and after its passage.

Approved, March 10, 1904.

AGRICULTURE

DISEASED ORANGE STOCK

Mar. 12, AN ACT To prevent the importa-
1903, p. tion of diseased orange stock, and
128. for other purposes.

Be it enacted by the Legislative Assembly of
Porto Rico:

Diseased (73) Section 1. That the
orange Governor is authorized and em-
stock, Com- powered to appoint a commission
mission. of three persons, who shall have
 the authority, with the approval
of the Executive Council, and the Governor of
Porto Rico, to establish such rules and regu-
 lations as they may deem neces-
Rules and sary for the protection of the
regulations. citrus-fruit industry of Porto
 Rico.

Penalty for (74) Sec. 2. Any person
violations. who shall violate any such regu-
 lation shall be deemed guilty
of a misdemeanor and shall be punished in
conformity with the provisions of the penal
code governing misdemeanors.

(75) Sec. 3. The said commission, with
the approval of the Executive Council and the
Governor of Porto Rico, shall prepare and pub-
lish regulations for the preven-
Citrus-fruit tion of the introduction of any
industry. orange, lemon or other tree of
regulations the citrus variety, or any bud,
for protec- graft or scion from any such
tion of. tree, when affected with an in-
 sect known as the white or cot-
tony cushion scale, or any other disease
known to be detrimental to any variety of
citrus tree, and for the prevention of the
use of or the insertion of any such bud,
graft or scion of such affected tree into
any orange tree or any other tree of the
citrus variety.

Repealing (76) Sec. 4. All laws, roy-
clause. al decrees, general orders and
 parts thereof in conflict with the
provisions of this act are hereby repealed.

Act effect- (77) Sec. 5. That this act
ive, when. shall take effect from and after
 its passage.

Approved, March 12, 1903.

INTRODUCTION OF PLANT AND INSECT DISEASES AND
PESTS.

AN ACT To prevent the intro- No. 60.
duction into Porto Rico of plant Sept. 3,
and insect diseases, and pests, 1910.
and for other purposes. p. 31.

Be it enacted by the Legislative Assembly of
Porto Rico:

(78) Section 1. (As amended by act of
Mar. 9, 1911, p. 157.) That no live tree or
plant or any portion thereof, or the seeds of
the same, (except roasted coffee,
cereals, fruits from other than Importation
tropical countries, vegetables of trees,
or nuts for domestic consump- plants and
tion), seed hulls or roots, cot- seeds, regu-
ton lint loose or in bales, shall lations for.
be brought into Porto Rico from
any other place, without having attached there-
to in a prominent and conspicuous place a cer-
tificate under oath signed by a duly authorized
State or Government entomologist to the effect
that the said articles are free from disease:
Provided, That in the case of cotton seed, seed
cotton, cotton seed hulls or cotton lint, such
certificate shall set forth the locality in
which the shipment originated was found by
actual investigation by said attesting official
or his agent, to be free from the pest
known as "boll weevil," or any other pests or
disease harmful to the cotton plant: And pro-
vided further, That in the case of cocoanut
trees, nuts or products of the cocoanut manu-
factured or unprepared for consumption, such
certificate shall set forth that the district
in which the articles originated is free from
"cocoanut plague" or any other disease harm-
ful to cocoanut trees: And provided further,
That this act shall not prohibit nor make con-
ditional the importation of agricultural prod-
ucts to be manufactured, ground, milled or
utilized for industrial purposes, but its im-
portation shall, however, be made subject to
reasonable regulations to be prepared by the
board, with reference to precautions to be
taken to prevent its causing harm to agricul-
ture.

(79) Sec. 2. That none of the provi-
sions of this act shall be construed to pro-
hibit the bringing into Porto Rico from any
other place by the United
States Agricultural Experi- United States
ment Station without the experiment sta-
certificates required by tions exempt.
section one of this act of
any live tree or plant or any portion thereof,
or of any fruit, seeds, roots, or bulbs re-
quired by it for experimental or official use:
Provided, That the superintendent of said
station shall notify the Commissioner of the
Interior in writing of all shipments so re-
ceived.

(80) Sec. 3. (As amended by act of Mar.
9, 1911, p. 157.) That no live tree or plant
or any portion thereof, or the
seeds of the same, (except roast- Ports of
ed coffee, cereals, fruits from entry.
other than tropical countries,
vegetables or nuts, for domestic consumption),

seed hulls or roots or cotton lint loose or in bales, except agricultural products for manufacturing, grinding, milling or for industrial purposes, subject to the regulations provided for in section 1 of this act, shall be brought into Porto Rico from any other place except through the ports of San Juan, Ponce and Mayaguez.

(81) Sec. 4. That except as provided in section two hereof, no fresh fruit from other tropical countries, live animals, known as "flying foxes" (pteropus), or fruit-eating bat, land crab, bird, animals, reptile, or insect, injurious to insects, trees, plants, or other vegetation of value, shall be brought into Porto Rico from any other place.

(82) Sec. 5. That no bee-comb, larvae, pupae, or bees shall be brought into Porto Rico from any other place; Provided, That queen bees accompanied by not more than thirty worker bees and without bee-comb containing eggs, larvae, pupae, or bees, may be introduced therein in mailing cages or small boxes.

(83) Sec. 6. (As amended by act of Mar. 9, 1911, p. 157.) That the Board of Commissioners of Agriculture, with the advice and approval of the Governor, is authorized to appoint inspectors or designate from time to time suitable persons as inspectors to assist in enforcing the terms of this act, to fix their compensation, and to issue such rules and regulations for their guidance and for the carrying out of the provisions and purposes of this act as may be required. Such inspectors shall have full power and authority to enter, during reasonable hours, any depot, warehouse, wharf or transfer, steamship, or express office, or other places wherein any articles, animals, or insects, requiring inspection under this act are stored or held, and shall be given by any person having custody thereof free access to all waybills, manifests, invoices or bills of lading representing or concerning such articles, animals, or insects.

(84) Sec. 7. (As amended by act of Mar. 9, 1911, p. 157.) (a) That no person, firm, corporation, carrier, or transportation agent shall bring into Porto Rico from any other place any Regulations for importations articles, animals, or insects, the introduction of which is by this act made conditional, except in accordance with the conditions herein specified, and each consignment of such articles, animals, or insects, shall be fully described in the manifest, invoices, and bills of lading of the person, firm, corporation, or carrier transporting the same to Porto Rico, which shall specify where and from whom such shipment was received and to whom consigned.

(b) That upon the arrival at any of the ports designated by section three of this act of any of the articles, animals, or insects, the introduction of which is by this act made conditional, the person, firm, corporation, or carrier bringing them shall notify

the Board of Commissioners of Agriculture of Porto Rico in writing of such arrival and hold the same until an inspector shall have investigated such shipment and given written permission for its release.

(c) That if upon investigation the inspector finds such shipment to have arrived in violation of the terms of this act, or to be in such condition that its introduction is prohibited thereby, he shall order the owner, carrier, agent, or person in charge thereof to remove the same from Porto Rico, and if it shall not be so removed within forty-eight hours after such order has been given, such shipment shall be seized and destroyed; Provided, That the owner, carrier, or agent may appeal to the Governor within and not later than forty-eight hours after such order has been given by the inspector, and if it shall appear to the Governor that no injury would be done by the introduction of the articles, animals, or insects, sought to be introduced, he may, in his discretion, order the release of the same and permit their retention and use in Porto Rico. Such appeals shall be heard and disposed of within forty-eight hours after being presented to the Governor, and the decision of the Governor in such cases shall be final. If the decision of the Governor shall be adverse to the appellant the articles, animals, or insects, involved in the case shall be removed from Porto Rico or destroyed within forty-eight hours after such decision has been rendered.

(85) Sec. 8. That any person, firm, corporation, carrier, or agent thereof, who violates, or fails to comply with, any of the provisions of this act or the instructions of any inspector duly appointed under the provisions of this act, or who shall Penalties for violations interfere or attempt to interfere with such inspector in the discharge of his duties, shall be guilty of a misdemeanor, and on conviction shall be punished as provided in section sixteen of the Penal Code.

(86) Sec. 9. That for the purpose of carrying out the provisions of this act there is hereby appropriated out of any moneys in the Insular Treasury not otherwise appropriated by Appropriation law, as a no-fiscal year appropriation, the sum of two thousand dollars (\$2,000) or so much thereof as may be necessary, to be expended under the supervision of the Commissioner of the Interior, and upon approval of the Governor.

(87) Sec. 10. That the act entitled "An act to provide for protection against the importation of plant diseases or insects harmful to plants," approved March nine, nineteen hundred and five, and the act amending the same, approved February twenty-nine, nineteen hundred and eight, and all other laws or parts of laws in conflict herewith, are hereby repealed. Repealing clause.

*See (5422) of the Revised Statutes and Codes of Porto Rico, 1911 (p. 41 of this compilation. Compiler, Forest Service.

Act effect- (88) Sec. 11. That this
ive, when. act shall take effect immediate-
ly on its approval.

Approved September 3, 1910.

DEVELOPMENT AND PROTECTION OF AGRICULTURE.

AN ACT To provide for the development and protection of agriculture; the creation of a board of commissioners of agriculture, defining their powers and duties; No. 45, to amend an act entitled "An act to Mar. 9, prevent the introduction into Porto 1911, Rico of plant and insect diseases, p. 157. and pests, and for other purposes," approved September 3, 1910; to provide for the introduction and protection of birds beneficial to agriculture, fixing penalties for the destruction of same; making an appropriation to carry out its provisions, and for other purposes.

Be it enacted by the Legislative Assembly of
Porto Rico:

Board of (89) Section 1. That where-
commission- ever the word "board" be used
ers of ag- in this act, it shall be con-
riculture. strued to signify and have ref-
erence to the "Board of Commis-
sioners of Agriculture," created by this act.

* * * * *

Duties. (93) Sec. 5. That it shall de-
volve upon the board:

First. To gather, compile, tabulate and to furnish and publish from time to time, information and statistics relative to agriculture.

Second. To study insects, pests, smut, and such plant and insect diseases, which are harmful or may so become, to the agricultural interests of the island of Porto Rico; and further to devise the ways and means to exterminate said pests and diseases already here in existence and to prevent the introduction of others from abroad.

Third. To introduce beneficial birds, insects and parasites which are the natural enemies of insects harmful to agricultural crops in Porto Rico.

* * * * *

Fifth. To prepare, print, publish, and furnish on request, a list of birds beneficial to agriculture, as provided for in section six of this act; the board having the right to amend said lists from time to time.

Sixth. To make rules and regulations, and to amend them from time to time, to enforce quarantine against plants and insects, as shall hereafter be determined.

* * * * *

Ninth. To submit to the Legislature an annual report of its progress and expenses.

(94) Sec. 6. That the act of seizing, killing, destroying or keeping in one's possession, any birds beneficial to agriculture, be and is hereby declared Killing to be unlawful. Whosoever seizes, and seiz- kills, destroys or keeps in his ing of possession any bird beneficial to birds un- agriculture, shall be guilty of a lawful. misdemeanor and punished therefor with a fine of not less than five nor more than twenty-five dollars or with imprisonment for not more than ten days, or with both penalties. The board Punishment. shall prepare, print, publish and furnish on request, a list of birds which in their opinion are beneficial to agriculture, and any bird comprised in said list, shall be conclusively considered as beneficial to agriculture for the purposes of this act.

Note.--Sections 7 to 10 of this act are amendments to sections 1, 3, 6, and 7, respectively, of the act of September 3, 1910, page 17 herein. [Note by Bureau of Insular Affairs.]

(95) Sec. 11. That the sum of five thousand dollars and an additional sum of fifteen thousand dollars, be and are hereby appropriated from any funds Appropri- in the Treasury of Porto Rico not ations. otherwise appropriated, the former for the purposes specified in section five, subdivision three of this act, and the latter to maintain the work of the board in accomplishing the purposes herein specified; the board having the right to utilize and spend said funds at its discretion by and with the approval of the Governor.

(96) Sec. 12. That any Repealing laws or part thereof in conflict clause. with this act be and are hereby repealed.

(97) Sec. 13. That this Act effect- act shall take effect upon its ive, when. approval.

Approved, March 9, 1911.

^aSee pp. 6, 7 of this compilation.
Compiler, Forest Service.

COMMISSIONERS.

No. 47. AN ACT To establish a board of
Mar. 10, commissioners for the promotion of
1910, uniformity of legislation in the
p. 146. States and Territories of the Union.

Be it enacted by the Legislative Assembly of
Porto Rico:

^a(327) Section 1. That within thirty days after the passage of this act the Governor shall, upon the recommendation of the members of the Supreme Court, appoint two attorneys at law, to hold office for a term of five years, and they and their successors are hereby constituted "A board of commissioners for the promotion of uniformity of legislation in the States and Territories of the Union." Any vacancy in said board by expiration of term of office, resignation, death, or however otherwise arising, shall be filled by the appointment by the Governor in the manner aforesaid.

(328) Sec. 2. That it shall be the duty of said board to examine the subjects upon which uniformity of legislation in the various States and Territories of the Union is desirable, but which are outside of the jurisdiction of the Congress of the United States as to States and beyond the scope of legislation usually treated by Congress with reference to Territories; to confer upon these matters with the commissioners appointed by other States and Territories for the same purpose; to consider and draft uniform laws to be submitted for approval and adoption by the several States and Territories; and generally to devise and recommend such other or further course of action as shall accomplish the purpose of this act.

(329) Sec. 3. That the said board of commissioners shall keep a record of all its transactions and shall, at each session of the Legislature, make Records and reports. report of its doings and of its recommendations to the Legislative Assembly of Porto Rico.

Compensa- (330) Sec. 4. That no mem-
tion. ber of said board shall receive any compensation for his services, but that there is hereby appropriated, out of any

^aNote.--(327-331) Secs. 1-5 are included merely as a matter of ready reference, for the convenience of the Forest Service, in connection with considering the advisability of requesting action, by the Board of Commissioners on Uniform Legislation, to secure more uniform forest laws. Compiler, Forest Service.

funds in the Treasury not otherwise appropriated, an amount not exceeding one thousand dollars for any one year, sufficient to cover the actual and necessary expenses of said commissioners in representing Expenses. The People of Porto Rico at the annual conference in the United States of commissioners on uniform State laws.

(331) Sec. 5. This act shall Act effect-
take effect from and after its ive, when.
approval.

Approved, March 10, 1910.

CONDEMNATION OF PRIVATE PROPERTY

⁴AN ACT To provide for the con- Mar. 12,
demnation of private property for the 1903.
purposes and under the conditions p. 50.
therein named.

Be it enacted by the Legislative Assembly of
Porto Rico:

(380) Section 1. That no Provisions
person shall be deprived of his for.
property, either in whole or in part, except in accordance with the provisions of section three hundred and fifty-five of the civil code of this act.

(381) Sec. 2. (As amended by act of Mar. 12, 1908, p. 94.) That private property, and also that defined in the second para-
graph of section 328 of the Civil Code as "bienes patrimoniales," may be taken, dam- Declaration of
aged or destroyed in whole public utility.
or in part, or a permanent or temporary easement or servitude may be imposed thereon for lawful purposes when declared of public utility by the Executive Council. The declaration of public utility shall be made by the Executive Council, upon hearing in all cases such parties as may desire to be heard as to advisability of making such declaration and as to the necessity, for a better public service and for the furtherance of the proposed work, of the condemnation or condemnations of such private property as shall have to be taken, or of the easements or servitudes with which such private property shall have to be encumbered. The Executive Council, on making the declaration that a certain work is of public utility, shall describe specifically the property which is to be condemned or encumbered for the purposes of said work.

^aNote.--The act of March 12, 1903, p. 50 (380-404) Secs. 1-25, is included on account of its provisions applying to the taking of timber for the purposes named therein. Compiler, Forest Service.

^bSee the Compilation of Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

^cP. 37 of this compilation. Compiler, Forest Service.

(382) Sec. 3. (As amended by act of Sept. 3, 1910, p. 23.) That for purposes for which private property may be taken, damaged, or destroyed are as follows: (A) For the construction of highways, roads, streets, and all other land ways of communication to be used by the public, joining two or more towns or cities, or leading from any town or city to its rural wards, villages, or settlements, * * * (B) For the construction and operation of railroads, tramways, and street railways. (C) For the construction of irrigating canals, flumes, aqueducts for the water supply of cities and towns, sewers, drains, bridges, viaducts, dams, and weirs. (D) * * * school-houses, and all other public buildings for the use of the Government of the United States, The People of Porto Rico, or any municipal corporations. (E) For the erection of lighthouses, signal stations, beacons, docks, dams, quarantine stations, works for improving navigation, and for military and naval stations, post offices, houses for United States courts or for other establishments or works for the Government of the United States. (F) For the construction and operation for the public service of electric light and power plants, for the transmission of electricity, and for the construction of dams in connection therewith.

(383-388) Secs. 4-9.

Note.--For provisions, in general, concerning the proceedings in such cases, see the Compilation of the Revised Statutes and Codes of Porto Rico, 1911 (383-388) Secs. 4-9. The act of March 12, 1908, p. 94, repeals (389-403) Secs. 10-23. Compiler, Forest Service.

(403) Sec. 24. The law of forcible condemnation of January tenth, eighteen hundred and seventy-nine, and the Repealing rules and regulations made for its clause. execution, and all other laws and orders or parts of the same in conflict with this act are hereby repealed.

Act effect- (404) Sec. 25. This act ive, when. shall take effect from and after its approval.

Approved, March 12, 1903.

EDUCATION.

AN ACT To revise, amend, and codify the general laws and regulations relating to public education in Porto Rico, to amend the codes, and for other purposes.

Mar. 12,
1903,
p. 60.

[Codified
School Law.]

Be it enacted by the Legislative Assembly of
Porto Rico:

(545) Section 1. ^aThis act shall be referred to as the Codified School Law of Porto Rico.

Title.

General Provisions.

(546) Sec. 2. The Commissioner of Education is hereby authorized and directed to establish and maintain a system of free public schools in Porto Rico for the purpose of providing a liberal education to the children of school age, i. e., between the ages of five and eighteen years; to establish higher institutions of learning, including colleges, universities, normal, industrial, mechanical and high schools, together with such other educational agencies as said Commissioner may find necessary and expedient in order to promote the educational development of the Island. In addition to the rural and graded schools which shall constitute the regular common-school system, said commissioner is hereby Commissioner to establish and maintain school system. School age. authorized and directed to establish, maintain and direct so far as the resources placed at his command will permit, such special schools as in his judgment are necessary to meet special educational needs, such as * * * agricultural schools, professional and commercial schools, * * * either under private or public management, where the same can be maintained in general harmony with the public school system and in harmony with its general standards, provided that the pupils in said special schools may include others than those of school age. * * *

^a Note.--For the portions of this Codified School Law (as amended to date) which relate to subjects covered by this compilation by the Forest Service, see pp. 10, 11, 12, 13, 14 hereof.

In the Compilation by the Bureau of Insular Affairs (1911), from which this compilation is prepared, certain subsequent statutes which affect matters more or less related to subjects covered by the Codified School Law, without actually amending it, are inserted at various appropriate points between the sections of that law. For such of these inserted acts as affect matter included in this compilation, see pp. 11, 12, 13 hereof. Compiler, Forest Service.

[Codified
School Law.] Qualifications of Teachers.

(595) Sec. 36. (As amended by act of
Mar. 10, 1904, p. 65.) Candidates for li-
cense to teach in the rural schools of Porto
Rico after July first, nineteen
Examination hundred and four, shall pass an
for rural examination in: * * *
teachers. (7) nature study, * * *

(596) Sec. 37. (As amended by act of
Mar. 10, 1904, p. 65.) Candidates who apply
for licenses to teach in the graded schools
of Porto Rico after July first,
Examination nineteen hundred and four, shall
for graded pass an examination in: * * *
teachers. (7) nature study, * * *

(597) Sec. 38. (As amended by act of
Mar. 10, 1904, p. 65.) Candidates to teach
as principal teachers after July first, nine-
teen hundred and four, shall
Examination pass an examination in all of
for principal the subjects for license to
teachers. teach in the graded schools,
and in addition thereto in:
elementary physics, * * * and such ad-
ditional studies as the Commissioner of Edu-
cation may require: Provided, however, That
no additional studies shall be required with-
out giving at least six months notice of such
additional studies: And provided further,
That the maximum requirements
[Maximum re- for examination in each of the
quirements.] studies prescribed for rural,
graded, and principal teachers
shall correspond to the courses given in said
subjects in the normal department of the Uni-
versity of Porto Rico. Licensees to teach as
rural, grades, principal, or
Diplomas and special teachers * * * may
certificates, be granted without examina-
recognition of. tion, to persons possessing
the legal age and experience
requirements on the basis of certificates of
graduation from the normal department of the
University of Porto Rico, or from any other
accredited normal school, college, or univers-
ity in the United States, or upon a first-
class teacher's license from any State or coun-
ty in the United States: Provided, That in
all such cases the candidate possesses an ele-
mentary knowledge of the Spanish language which
shall be tested by examination.

AN ACT To authorize the commis- Mar. 8,
sioner of Education to issue special 1906,
licenses to preparatory teachers, p. 50.
and for other purposes.

[*Insert Act.]

Be it enacted by the Legislative Assembly of
Porto Rico:

* * * * *

(604) Sec. 5. (As amended Course of
by act of Mar. 12, 1908, p. 107.) study.
The Commissioner of Education
shall prescribe a course of study
Instruct-
for preparatory teachers, includ-
ing all the subjects required for
a rural license, * * *
* * * * *

Approved, March 8, 1906.

Students to be sent to the
United States.

[Codified
School Law.]

(650) Sec. 68. (As amended by act of
Mar. 12, 1908, p. 110.) There shall be se-
lected annually as hereinafter provided, a num-
ber of young men of sound constitu-
tion and good character who could Young men
not otherwise, because of existing to be edu-
circumstances, enjoy the education- cated in
al advantages hereinafter mention- the United
ed who shall be sent to the United States.
States and there maintained at the
expense of The People of Porto Rico for a pe-
riod not to exceed four years devoted to the
study of such subjects as the commission here-
inafter provided may determine, preference be-
ing given to agriculture, * * * and forest-
ry, and chemical, hydraulic, * * * engineer-
ing: Provided, That the commission may ex-
tend said term for one year in case of illness
or any other justifiable cause.

The number of young men upon whom this
privilege shall be bestowed shall at no time
be in excess of twenty-five, and the total ex-
penses in each case shall not ex-
ceed the sum of five hundred dol-
lars per annum.

Number pro-
vided for.

The young men thus selected
shall be sent to the United States as soon as
provisions have been made for them in accord-
ance with this act.

^a See note on page 10 of this compilation.
Compiler, Forest Service.

^b See (595) Sec. 36.

[^aInsert Act] Note.--Section 1 of act of
March 8, 1908, reads
as follows:

(651) Section 1. That the Commission
charged with the supervision of the Porto
Rican young men studying in the United States
pursuant to the provisions of
Extension of section 68 of the Codified
time for stu- School Law is hereby authorized
dents in the to extend the benefits of said
United States. act for the time that may be
necessary to conolude their
studies within a period not to exceed three
years for those young men who are now study-
ing under the provisions thereof and who have
observed good conduct and made progress in
their studies, but who have failed to finish
them for just cause. * * *

[Codified (653) Sec. 69. (As amended
School Law] by act of Mar. 10, 1904, p. 69.)
The President of the Executive
Commission Council and the Speaker of the
to supervise House of Delegates, together with
students. the Commissioner of Education,
shall form a commission which
shall prepare the rules under which these
young men shall be selected, and shall have
charge of them during the time they are en-
gaged in study under the same: Provided, That
the young men selected shall be graduates of
the eighth grade of a public school in Porto
Rico.

(655) Sec. 70. The commission shall
keep regularly informed of the conduct and
progress of each beneficiary and secure all
other data that they may con-
Conduct and sider necessary. They may also
progress of withdraw support from any bene-
students. ficiary upon proper proofs be-
ing presented of misconduct or
bad faith of any beneficiary under this act.

* * * * *

AN ACT Entitling municipalities No. 19.
of Porto Rico to maintain students Mar. 9.
in colleges and universities in the 1911.
United States. p. 72.

^a[Insert Act]

Be it enacted by the Legislative Assembly of
Porto Rico:

(672) Section 1. The Support of
municipalities of the first students in
and second class and, with colleges and
the approval of the Governor, universities
municipalities of the third of the
class are hereby empowered to United States.
support, from public funds at Courses.
their disposal, young men in the colleges and universities
of the United States, for the purpose of pursuing courses leading to degrees
in the following subjects: Agriculture, agron-
omy, forestry and the various branches of engi-
neering.

(673) Sec. 2. The insti- Courses of
tutions to which these young study and
men shall be sent, as well as colleges to
the courses of study which they be approved
pursue shall be approved by the of by com-
Commissioner of Education and missioner of
no appointments shall become education.
effective until such approval
is obtained.

(674) Sec. 3. There Reports to
shall be sent to the Commis- commissioner
sioner of Education from the of education.
authorities of the college or
institution at which the said students are in
attendance a quarterly report of the conduct
and advancement of each student so attending,
and shall be the duty of the Commissioner of
Education to send a copy of said report to the
municipality that made the appointment.

(675) Sec. 4. Under the Number of
foregoing conditions municipali- students.
ties of the first class are em-
powered to maintain not more than two students.
Municipalities of the second class not more
than one student. Municipalities of the third
class not more than one student with the ap-
proval of the Governor.

(676) Sec. 5. Each student thus ap-
pointed shall receive the sum of three hun-
dred and sixty dollars annually from the
treasurer of the municipality mak-
ing the appointment, payments to Annual
be made in four equal quarterly amount
installments, the first to be to each
paid on July first or as soon student.
thereafter as the appointment is
made. The succeeding payments on October
first, January first, and April first.

^a See note on p. 10 of this compilation.
Compiler, Forest Service.

^{bp} 11 of this compilation. Compiler,
Forest Service.

(677) Sec. 6. Appointments shall be made for but one year, but may be renewed annually by the municipality that effected said appointment with the approval of the Commissioner of Education; provided that no student shall receive more than three such renewals.

Act effective, when. (678) Sec. 7. This bill shall take effect on July first, nineteen hundred and eleven.

Approved, March 9, 1911.

AGRICULTURAL INSTITUTES.

Mar. 14, 1907, p. 77. AN ACT Providing for the organization of agricultural training, creating agricultural experiment stations in the Island of Porto Rico.

[^aInseert Act]

Be it enacted by the Legislative Assembly of Porto Rico:

Agricultural institutes. (729) Section 1. There are hereby established in the Island of Porto Rico, under the direction of the Commissioner of Education, experimental station schools of agriculture or agricultural institutes for theoretical and practical training in agriculture and rural industries adaptable to Porto Rico.

Purpose of. (730) Sec. 2. The object of these agricultural experimental stations or agricultural institutes shall be the practical teaching of modern scientific methods of cultivation, the establishment of rural industries in which students may serve apprenticeships, and the publication of data obtained by practical experiments. First attention shall be given to the improvements in the cultivation of coffee, sugar cane, tobacco, cotton and other textile plants, and tropical fruits, other lines of cultivation being introduced as circumstances may permit and necessity may demand.

Location. (731) Sec. 3. Three agricultural institutes are hereby established; one at Utuado, one at Yauco, and one at Guayama, to be known as the Agricultural Institute of Utuado, the Agricultural Institute of Yauco, and the Agricultural Institute of Guayama, respectively.

* * * * *

^aSee note on p. 10 of this compilation.
Compiler, Forest Service.

(734) Sec. 6. The Commissioner of Education shall prepare a course of study for the agricultural institutes and rules and regulations for the conduct of the practical agricultural work. He shall fix the conditions for the admission of resident and non-resident students and for the issuance of certificates or diplomas. He shall appoint the directors, teachers, and employees for the different institutes, subject to the provisions of this act and the general laws of Porto Rico.

* * * * *

(739) Sec. 11. Any law or Repealing part thereof in conflict herewith clause. be and is hereby repealed.

(740) Sec. 12. This act shall take effect on and after its approval. Act effective, when.

Approved, March 14, 1907.

ARBOR DAY.

[Codified
School Law]

(744) Sec. 87. (As amended by act of Mar. 10, 1904, p. 70.) The Friday immediately following the last Thursday in November in each year shall be known throughout the Island as Arbor Day and shall be a holiday in all of the public schools in charge of the Commissioner of Education. It shall be the duty of the said Commissioner to cause the scholars in every public school in the Island to be assembled in the school building, or elsewhere, as he may deem proper, and to provide for and to conduct, under the general supervision of the local school board, or other chief officers having the general oversight of the public schools in each municipality or district, such exercises as shall tend to encourage the planting, protection, and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

Arbor day.
Designation.
Purposes of.

(745) Sec. 88. The Commissioner of Education shall have power to prescribe from time to time a course of exercise and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on Arbor Day and upon receipt of copies of such course, sufficient in number to supply all the schools under their supervision, the school supervisors shall promptly provide each of the schools under their charge with a copy and shall cause it to be observed.

Courses of exercises.

* * * * *

[Codified
School Law] Repealing Clause.

(747) Sec. 90. All laws, decrees, military orders, or parts of the same in conflict with this act, be and the same are hereby repealed. This act shall be known as the Codified School Law and shall constitute section seven of the Political Code.

(748) Sec. 91. This act shall take effect sixty days after its approval, except section twenty-two thereof, which shall take effect July first, nineteen, when. ten hundred and three.

Approved, March 12, 1903.

Mar. 10, AN ACT To provide instruction
1904, of high school grade in commercial
p. 79. subjects, and for other purposes.

Be it enacted by the Legislative Assembly of
Porto Rico:

(749) Section 1. That the San Juan High School shall hereafter be known as the Central High School of Porto Rico, and there shall be organized therein studies to correspond to the four high school grades, as also such commercial studies as the Commissioner of Education may deem proper.

(752) Sec. 4. That the Commissioner of Education shall, at any time during the coming fiscal year, draw up a plan of commercial studies to embrace and any other studies in harmony with the needs of the country, and shall present the same in his next annual report.

Repealing (753) Sec. 5. All laws, or-
clause. ders, or parts thereof, in conflict
with this act, shall be and the
same are hereby repealed.

Act effect- (754) Sec. 6. This act shall
ive, when. take effect on the first day of
July, nineteen hundred and four.

Approved, March 10, 1904.

AN ACT To establish the Mar. 12, 1903.
University of Porto Rico, pp. 94-102.
and for other purposes.

Be it enacted by the Legislative Assembly of
Porto Rico:

(762) Section 1. That an Establish-
institution of higher learning ment of Uni-
is hereby established to be known versity of
as the University of Porto Rico. Porto Rico.

(763) Sec. 2. That the university thus established shall provide the inhabitants of Porto Rico as soon as possible with the means of acquiring a thorough knowledge of the various branches of literature, Scope. sciences, and useful arts, including agriculture and mechanical trades, and with professional and technical courses in engineering, . . .

(769) Sec. 8. The university shall consist of the following departments to be organized in the order of their importance as soon as the necessary funds may be available and it shall be the duty of the board of trustees to appeal to the philanthropy of public-spirited citizens of Porto Rico and of the several States of the United States for gifts and bequests of money, books, buildings, and equipment for this purpose in addition to such financial assistance as the Government of Porto Rico may have given or may give the university for its endowment: . . .

(2) An agricultural and mechanical department for the training of teachers, and for the promotion of agriculture and the mechanical arts, to be maintained in conformity with the requirements of an act of Congress approved August thirtieth, eighteen hundred and ninety, . . .

(10) And such other departments germane to a well-equipped university as the board of trustees may from time to time be able to establish. . . .

(774) Sec. 13. (As amended by . . .
and as further amended by act of Mar. 7, 1912,
No. 56, p. 89.) To provide funds for the current expenses of the University, . . .
for all purposes of operation of the Universi-
University, including the maintenance of scholarship students in the ty fund.
College of Agriculture and for the purpose of any scientific work which may be conducted under the auspices of the University for the benefit of science or the State, there shall

be established by the Treasurer of Porto Rico a fund to be known as the University fund, into which he shall pay, pursuant to law, the following-named receipts, which are hereby appropriated for the said purpose:

* * * * *

Repealing (778) Sec. 17. All laws, clause. or parts thereof, decrees, or military orders in conflict with this act are hereby repealed.

Act effect- (779) Sec. 18. This act ive, when. shall take effect from and after its approval.

Approved, March 12, 1903.

FAIR.

No. 23, AN ACT To create an Insular
Mar. 10, fair board for the purpose of hold-
1910. ing an annual exhibition of agri-
p. 91. cultural and general productive in-
dustries of the island, and for
other purposes.

Be it enacted by the Legislative Assembly of
Porto Rico:

Insular (938) Section 1. That for
fair board. the purpose of holding an annual
exhibition of the agricultural and
Creation of. general productive industries of
the island, an Insular fair board
is hereby created.

* * * * *

(930) Sec. 3. The Insular Members.
fair board shall consist of the Appoint-
Governor of Porto Rico as a mem- ments.
ber and its honorary president, Terms of
the director of the United States office.
Experimental Station for the Dis-
trict of Porto Rico as an ex of-
ficio member and four members to be appointed
by the Governor of Porto Rico for a term of
two years: * * *

* * * * *

(933) Sec. 6. It shall be Duties of
the duty of the Insular fair insular
board to hold an annual exhibi- fair board.
tion of the agricultural and
general productive industries of
the Island, beginning with the
fiscal year nineteen hundred and
eleven, inviting for this end the
cooperation of the various agri-
cultural and commercial organiza-
tions existing in the Island, of the several municipal
corporations and of any interested citizens.
The annual exhibition shall be held in San
Juan, but the exact site, time, duration and
other details, including the character and
scope of awards for the excellence of exhibi-
tions, shall be determined by the
board. The board shall make an Reports.
annual report to the Legislative
Assembly embracing the proceedings of the past
year and such reports of the receipts and ex-
penditures to the Auditor of Porto Rico as he
may from time to time require.

* * * * *

(937) Sec. 10. To carry out the provi-
sions of this act, there is hereby appropriated
out of any moneys in the Insular Treasury, not
otherwise appropriated, the sum of
twenty thousand dollars, of which Appropri-
sum ten thousand dollars shall be tion.
available for expenditure during
the fiscal years ending June thirtieth, nine-
teen hundred and ten, and June thirtieth, nine-
teen hundred and eleven, and two thousand five
hundred dollars during each of the fiscal years
ending June thirtieth, nineteen hundred and
twelve, nineteen hundred and thirteen, nineteen
hundred and fourteen, and nineteen hundred and
fifteen, respectively.

(938) Sec. 11. This act Act effect-
shall take effect from and after ive, when.
its approval.

Approved, March 10, 1910.

IRRIGATION.

Sept. 18, 1908, AN ACT To Provide for the construction of an irrigation system, and to provide revenues therefor; for the temporary appropriation of two hundred thousand dollars to begin such work, and for other purposes.
p. 152.

Note.--The act of September 18, 1908, p. 152, embraced in (1042-1082) Secs. 1-34, which is known as "The Public Irrigation Law," bears, more or less, indirectly upon the matter of forest preservation; especially the provisions in (1078) Sec. 30 thereof, concerning surveys, etc., of certain watersheds in connection with the matter of studying the conservation and distribution of the waters therefrom.

For the text of the act, see Compilation of Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

LANDS FOR PUBLIC PURPOSES.

Feb. 16, 1903, AN ACT Authorizing the Governor of Porto Rico to convey certain lands to the United States for naval, military, and other public purposes.
p. 110.

Be it enacted by the Legislative Assembly of Porto Rico:

(1670) Section 1. That the Governor of Porto Rico be, and he is hereby authorized in his discretion and in the name of The People of Porto Rico to convey to the Governor United States for naval, military authorized or other public purposes all the to convey right, title and interest of the lands in people of Porto Rico or of any island of municipality thereof in and to all Culebra. public lands in the island of Culebra, together with the shores thereof and any public buildings thereon, or in and to so much thereof as may now or hereafter be desired by the United States for

Note.--In connection with this provision in (1670) Sec. 1, attention is invited to the act of March 8, 1905, p. 59, which constituted the Island of Culebra a separate municipal district. For said act of March 8, 1905, see the Compilation of Revised Statutes and Codes of Porto Rico, 1911, (1953-1963) Sections 1-11. Compiler, Forest Service.

such purposes, and in and to any and all roads, street or highways or other public property in said island of Culebra belonging to The People of Porto Rico or to any municipality thereof; together with all rights, easements, benefits and privileges thereunto appertaining.

* * * * *

(1673) Sec. 4. That the Governor of Porto Rico be and he is hereby authorized in the name of The People of Porto Rico to release any interest or claim that The People of Porto Rico may now have or may hereafter acquire in and upon any lands or buildings belonging to the United States in the Island of Porto Rico which may be reserved by the President of the United States for public uses under and by virtue of the power vested in him under the term of an act of Congress of the United States entitled "An act authorizing the President to reserve public lands and buildings in the Island of Porto Rico for public uses and granting other public lands and buildings to the Government of Porto Rico, and for other purposes," approved July first, nineteen hundred and two.

Governor
authorized
to release
interest or
claims in
lands or
building
to United
States.

(1674) Sec. 5. That consent be and is hereby given to the United States to acquire for naval, military or other public purposes, by purchase or condemnation, any lands within the Island of Porto Rico, and when so acquired and possession thereof shall have been taken by the United States, all jurisdiction over such lands by The People of Porto Rico shall cease and determine: Provided, however, That upon the subsequent alienation by the United States of any land so acquired The People of Porto Rico shall again have jurisdiction thereover.

Acquisi-
tion of
lands for
naval,
military,
or other
purposes.

Jurisdic-
tion over.

(1675) Sec. 6. That exclusive jurisdiction be and is hereby ceded to the United States over any and all lands that may hereafter be acquired by it in the Island of Porto Rico by purchase or condemnation; and over any and all lands and the shores thereof, including streets and other public highways, conveyed to it by the Governor of Porto Rico under the provisions thereof; and over any and all lands in which any interest or claim of The People of Porto Rico may hereafter be released to the United States by the Governor of Porto Rico as provided herein: * * *

Jurisdiction
ceded to the
United States.

Note.--(1673) Sec. 4 is included because the Luquillo National Forest is one of the reservations created under the act of Congress mentioned therein, viz: the act approved July 1, 1902. Compiler, Forest Service.

(1676) Sec. 7. * * * and he [the Governor of Porto Rico] is further authorized to revoke any license heretofore issued or that hereafter may be issued for the sale of such [intoxicating or spirituous] liquors and beverages or of such [objectionable] merchandise within the limits of any lands conveyed hereunder to, or acquired by, the United States.

Act effective, when. (1677) Sec. 8. This act shall take effect from and after its approval.

Approved, February 16, 1903.

MUNICIPALITIES.

Mar. 8, 1906, p. 107. AN ACT To establish a system of local government, and for other purposes.

Be it enacted by the Legislative Assembly of Porto Rico:

(1877) Section 1. This act shall be known as the Municipal Law, and shall apply to the entire Island of Porto Rico and the adjacent islands included within the Government of Porto Rico: Provided, Municipal law. That the island of Culebra shall continue to be governed by an act entitled "An act to provide a government for the island of Culebra, and for other purposes," approved March eight, nineteen hundred and five.

Note.--See ^apage 378 herein. [By Bureau of Insular Affairs, War Dept.]

* * * * *

Municipal Revenue.

* * * * *

(1871) Sec. 72. On and after the first day of July, nineteen hundred and six, the municipal councils shall be empowered to impose and collect license taxes, not License taxes in excess of the rates provided in this act, on account of any of the industries hereinafter enumerated, in conformity with the provisions of this act: Provided, however, That any individual, firm

^a Note.--The word "herein" has reference to the Compilation of Revised Statutes and Codes of Porto Rico, 1911, by the Bureau of Insular Affairs, War Department. Compiler, Forest Service.

or corporation engaged in more than one kind of business in one establishment, taxable under this act, shall pay taxes only on that business upon which is imposed the highest rate of tax.

(1872) Sec. 73. (As amended by act of Mar. 10, 1910, p. 115.) The municipal council, if it desires to do so, may provide for the subdivision of the individuals, firms, or corporations under each class of industrial or commercial undertaking or occupation taxable, into not more than five subclasses, according to their relative importance, as measured by the extent and value of the business done by them and provide a different rate of tax to be paid by each such subclass; but in no case shall the rate exceed the maximum as adopted by the municipal council. And all industries and occupations falling within each of such subclasses, shall be taxed at the same rate.

(1873) Sec. 74. In no case whatever shall the maximum of the license taxes to which the foregoing section refers exceed the rates fixed in the following schedule for industrial or commercial license taxes: Provided, however, Rates taxes. That when a tax or any business included in the said schedule has been levied during the fiscal year nineteen hundred and five-six by any municipality, at a rate higher than that which is specified in the said schedule, the Executive Council may, prior to July, nineteen hundred and six, authorize the municipality to levy the said tax during the fiscal year nineteen hundred and six-seven at a rate not exceeding the rates paid during nineteen hundred and five-six.

(1874) Schedule for industries and commercial license taxes.

Name of tax.	First-class municipality.	Second and third class municipalities.
* * * * *	* * * * *	* * * * *
Group VI.--Factories:		
* * * * *		
Sawmills, steam or electric power	\$100.	\$60.
* * * * *		
Match factories	50.	50.
* * * * *		
Tanneries	50.	50.

Note.--For provisions, in general, concerning the manner of collecting the taxes provided for in (1871-1874) Sections 72-74, see, in the Compilation of the Revised Statutes and Codes of Porto Rico, 1911, the sections which immediately follow (1874). Compiler, Forest Service.

Repealing clause. (1946) Sec. 110. All laws, orders, Royal decrees, or parts thereof, in conflict with any of the provisions of this act are hereby repealed.

Act effective, when. (194) Sec. 111. This act shall take effect from and after July first, nineteen hundred and six;

Approved, March 8, 1906.

ROADS AND HIGHWAYS

MAINTENANCE AND POLICING.

Mar. 1, 1903, p. 273. AN ACT To provide for the protection and policing of the Insular highways of Porto Rico.

Be it enacted by the Legislative Assembly of Porto Rico:

Protection and policing of Insular highways. (2191) Section 1. (738) That the provisions of chapters one, two and three of the "Rules and regulations for the protection and policing of the Insular highways of Porto Rico," approved by the Government of Spain on July eleventh, eighteen hundred and eighty-four, and declared in force in Porto Rico on the twenty-seventh of August of the same year, are hereby reenacted and put in force and effect, except as otherwise hereinafter provided.

* * * * *

"Peso," definition of. (2193) Sec. 3. (740) That the word "peso," wherever found in the three chapters of the rules and regulations referred to in section one of this act, shall be held to mean "dollar."

* * * * *

(2196) Sec. 6. (743) That prosecutions under this act shall be made upon charges brought before the police judge of the town nearest the place where the act shall have been committed.

(2197) Sec. 7. (744) That such complaint may be made by any person, but the arrests shall be made by the police officers of the towns through which the road passes, by the Insular police and especially by the road menders (camineros), foremen and other road employees who are hereby given police power to arrest all persons violating the provisions of this act. The charges shall be made in duplicate and in writing; one of the copies shall be filed in the office of the police judge and the other shall be returned, properly attested by the said judge, to the person making the complaint.

(2198) Sec. 8. (745) That upon the filing of such charges with the police judge, this office shall, in accordance with law, proceed to the trial of the case, and if the accused person be found guilty the judge shall impose the penalty here- in provided. Where the offense is punishable under the provisions of the penal code, the accused party and all records relating to the charge shall be referred to the proper court of the police judge.

(2199) Sec. 9. (746) That the amount of such fine as may be imposed pursuant to the provisions of this act shall be paid one-half into the Insular Treasury and one-half into the treasury of the municipality in the same manner as all other fines imposed by police courts: Provided, That when such fines are not paid, the guilty party shall be sentenced to imprisonment in the form for such cases made and provided in police courts.

^aNote.--"This act" includes the provisions contained in the statutes re-enacted and put into effect thereby, as shown in (2191) Section 1, supra. Compiler, Forest Service.

^bNote.--This jurisdiction of the police judges has been conferred by subsequent acts upon the municipal courts and courts of justices of the peace. See act of March 10, 1904, "Reorganization of Judiciary," page 243 of Compilation of Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

^aNote.--For said chapters 1, 2, 3, see pp. 19-21 of this compilation. Compiler, Forest Service.

Statement of fines imposed. (2300) Sec. 10. (747) That all ^apolice judges shall send to the Commissioner of the Interior a semiannual statement of the fines imposed in accordance with the provisions of this act.

Repealing clause. (2301) Sec. 11. (748) That all laws, decrees, orders, general orders, regulations or parts thereof in conflict herewith are hereby repealed.

Act effective, when. (2302) Sec. 12. (749) That this act shall take effect from and after its passage.

Approved, March 1, 1902.

Note [By Bureau of Insular Affairs].-- The following is a translation of chapters 1, 2, and 3 of Rules and Regulations for the protection and policing of the Insular highways of Porto Rico, approved by the Government of Spain on July 11, 1884, and declared in force in Porto Rico on the 27th of August of the same year. Provisions similar to many of the articles are contained in the act of Mar. 10, 1910, providing for the maintenance and policing of public roads in the Island of Porto Rico, etc., as noted herein.

Regulations for the Preservation and
Policing of the Highways of Porto
Rico.

CHAPTER I.--Preservation of the Highways.

(2303) Article I. (See ^dsec. 1, act of Mar. 10, 1910. * * *) The owners of property adjoining the road who in working their land cause any damage to the retaining walls, * * * and any of roads. other of its improvements, or cultivate its slopes, shall incur a fine Fine for. of from five to twenty pesos, besides having to repair the damage caused. They shall incur the same Cultivation. penalty when they extend their cultivation beyond the limits of their possessions.

* * * * *

^aNote.--See footnote (b) to (2196) Sec. 6, supra (p. 18 of this compilation). Compiler, Forest Service.

^bNote.--See footnote (a) to (2196) Sec. 6, supra (p. 18 of this compilation). Compiler, Forest Service.

^cNote.--See (2191) Sec. 1 et seq., supra, (p. 18 of this compilation). Compiler, Forest Service.

^dFor act of March 10, 1910, see pp. 20, 21 of this compilation. Compiler, Forest Service.

(2306) Art. 4. Trees situated at least twenty-five meters from the highway can not be cut, and in no manner whatever will it be permitted to pull up the Cutting of trees. roots, which prevent the fall of earth, without a license from the local authority and without the prior knowledge of the engineer in charge of the highway. Violators of the above shall pay for the necessary work for the Penalty. prevention of resulting damages.

* * * * *

(2313) Art. 11. (See ^asec. 7, act of Mar. 10, 1910. * * *) Damages to wheelguards, parapets, bridges, etc. * * * whoever may * * * injure * * * on [?] the trees planted at the sides of the highways, or whoever will not prevent their horses and live stock from doing so, shall pay for the damage and a fine of two to ten pesos. * * * Penalties.

* * * * *

(2315) Art. 13. (See ^bsec. 21, act of Mar. 10, 1910. * * * *) Dragging lumber, branches, or plows. All direct dragging on the highway of lumber, branches, * * * is prohibited * * * under a fine of forty centimos of a peso for each piece of lumber, * * * the violator being required besides to repair the damage caused.

* * * * *

CHAPTER II.--Traffic Over the Highway.

* * * * *

(2318) Art. 16. Individuals can not take construction materials, * * * from * * * the highway, its sidewalks, or gutters, * * * violators will incur a fine of from two to three pesos for the first time and double that amount for a repetition of the offense. Removal of construction material. Obstruction of highways.

^aNote.--See (2347) infra. (p. 21 of this compilation). Compiler, Forest Service.

^bNote.--See (2262) infra. (p. 21 of this compilation). Compiler, Forest Service.



Plants (3319) Art. 17. The plants and
and hedges of whatever kind with which the
hedges, fields and properties adjoining the
highway are fenced should be cut in
such a manner as not to reach it.

(3320) Art. 18. (See Sec. 6, act of
Mar. 10, 1910. * * *) Drivers and car-
riage drivers who turn their live stock loose
to graze on the highway or on its
Grazing sidewalks shall pay a fine of two
live pesos for each carriage and from
stock on ten to forty centimos of a peso
for each head besides paying for
the damage caused.

* * * * *

CHAPTER III.--Works Adjoining the Highway.

(3334) Art. 32. No building, * * *
nor any work which departs from this highway
toward adjacent properties shall be construct-
ed at a distance of less than
twenty-five meters from the high-
way, nor shall dams, structures,
or drains for the taking and con-
veying of water be constructed
without the required license.
Buildings, Neither shall it be legal
corrales, to make dams, * * * at a dis-
sewerage tance less than twenty-five
work, etc. meters from the outer part of
distance bridges and sewerages and the mar-
from high- gins of the highways, * * *
way. Violators shall incur a fine of
from five to twenty pesos, be-
sides repairing the damage caused.
* * * * *

(3335) Art. 33. The petitions for li-
cense to construct or rebuild in the said
strips of land on both sides of the road
shall be addressed to the
Petition for mayor of the respective town,
license to setting forth the points, class
build on and object of the building or
sides of road. work contemplated.

(3336) Art. 34. The mayor shall send
said petitions with the remarks which he may
deem necessary to the engineer in charge of
the highway, so that he may, after
Disposition examination, designate the dis-
of petition. tance and alignment to which the
proposed work fronting the high-
way shall be subjected, together with the
other condition to be observed in its execu-
tion, in order that it shall not cause damage
to the public way nor to its sidewalks and
trees.

^aNote.--(3320) is included merely on ac-
count of the fact that (3343) *infra* (p. 31
of this compilation), in making similar pro-
visions, extends them to prohibiting the
tying of animals "to trees along the road."
Compiler, Forest Service.

The petitioners shall be obliged to pre-
sent the plan of the proposed work, if the en-
gineer considered it necessary, for
the purpose of rendering his decision Plans of
with the necessary knowledge. work.

(3337) Art. 35. The mayors, in their
respective jurisdictions, and after receiving
the said report from the engineer, shall grant
the license for the construction or
rebuilding, subject to the align- License
ment and condition which the latter to build.
shall have designated, taking care
that they shall be strictly observed by the
owners of the work.

(3338) Art. 36. Anyone who, without the
said license, shall make any construction within
the distance of twenty-five meters from either
side of the highway, shall depart from
the alignment mark, or shall not ob- Penalties.
serve the conditions under which the
license had been granted, shall be obliged by
the mayor to demolish the work in case it injure
the highway, its * * * and trees.

(3339) Art. 37. (As amended
by act of Mar. 1, 1902, sec. 741,
R. S., 1903.) * * * * *

Questions
regarding
alignment
and condi-
tions.

(3340) Art. 38. (As amended
by act of Mar. 1, 1902, sec. 742,
R. S., 1903.) * * * * *

Decisions
and ap-
peals.

AN ACT To provide for the
maintenance and policing of public
roads in the Island of Porto Rico,
* * * and for other purposes.

No. 41,
Mar. 10,
1910,
p. 139.

Be it enacted by the Legislative Assembly of
Porto Rico:

(3341) ^aSection 1. The owners
of properties adjoining the road
shall not, when working their lands,
cause any damage to retaining walls,
* * * or any other part of the
road. They shall not cultivate the
slopes of * * * the road or any
part of the right of way.
* * * * *

Damages
caused by
working
land.
Cultivat-
ing slopes.
Pasturing
of cattle
on road.

^aSee (3303) and (3306) *supra*. (p. 19 of
this compilation). Compiler, Forest Service

Animals (2246) ^aSec. 6. The owners
not to or drivers of vehicles and con-
stray, ductors of cattle shall not let
graze, their animals stray or graze on
nor to the sides or ditches of the road,
be tied nor tie them to trees along the
to trees. road.

(2247) ^bSec. 7. Any person who unin-
tentionally causes any damage on the surface
of the roads. * * * shall
Damages to pay the cost of repairing the
road, etc. damage thus caused, as per ex-
pert valuation. When the damage
Payment for. has been done wilfully or mali-
ciously, besides paying the cost
Penalty. of repair, the perpetrators
shall be subject to the penalty
provided for in this act.

* * * * *

Dragging (2262) Sec. 21. ^cThe drag-
objects ging along the surface of the
along road road of timbers, branches of
prohibited. trees, * * * or anything
which might injure the road,
is hereby prohibited.

* * * * *

(2273) Sec. 32. Infractions of any of
the provisions of the preceding sections, un-
less otherwise provided, shall be punished by
a fine not to exceed five dollars
Penalties. for the first offense, and for a
second or subsequent offenses by
fine not to exceed twenty-five dollars or by
imprisonment in jail for a term not to exceed
fifty days or both fine and imprisonment.

* * * * *

Repealing (2291) Sec. 50. All laws or
clause. parts of laws in conflict herewith
are hereby repealed.

Act effect- (2292) Sec. 51. This act shall
ive, when. take effect on and after its ap-
proval.

Approved, March 10, 1910.

STATISTICS

COMMERCIAL STATISTICS.

AN ACT To provide for the col-
lection of information and statis-
tics relative to Porto Rico and its
commerce and products, and for other
purposes.

Mar. 10,
1904,
p. 183.

Be it enacted by the Legislative Assembly of
Porto Rico:

(2340) Section 1. That the Secretary of
Porto Rico is hereby authorized to detail a
clerk in the office of the Secretary of Porto
Rico, whose duty it shall be to
secure and preserve, in such
convenient form as may be di-
rected, vital statistics in re-
lation to the trade, commerce,
* * * and all similar matters
of public interest; also to se-
cure such information in rela-
tion to * * * agricultural
experiments, and the general mat-
ters pertaining to agriculture
and horticulture in Porto Rico,
all of which information shall
be carefully preserved in the
most convenient form, such records to be a
part of the records of the office of the sec-
retary. That the information and statistics
so collected, shall be furnished at any time
upon inquiry to any head of department or to
any citizen of Porto Rico inquiring in rela-
tion to any subject covered by the scope here-
of, and said clerk shall, under the instru-
ctions of the Secretary, secure information in
response to inquiries from persons seeking in-
formation with a view to location in Porto
Rico, or inquiries relative to the matters con-
templated herein.

Trade, com-
merce, and
health.

Crops and
agriculture.

Information,
to whom fur-
nished.

(2341) Sec. 2. That for the purpose of
carrying out the provisions of this act, the
sum of eighteen hundred dollars, or so much
thereof as may be necessary, is
hereby appropriated out of any
moneys in the Treasury not other-
wise appropriated, the same to be
used for the payment of the salary of the po-
sition hereby created.

Appropri-
ation.

(2342) Sec. 3. This act
shall take effect from and after
its passage.

Act effect-
ive, when.

^aSee (2220) supra (p. 20 of this compi-
lation). Compiler, Forest Service.

^bSee (2213) supra (p. 19 of this compi-
lation). Compiler, Forest Service.

^cSee (2215) supra (p. 19 of this compi-
lation.) Compiler, Forest Service.

Approved, March 10, 1904.

W A T E R S, L A W O F.

AMENDMENTS.

Mar. 12,
1903,
p. 146. AN ACT To amend the Law of waters.

Be it enacted by the Legislative Assembly of
Porto Rico:

(2380) 1. That all the rights, powers and duties conferred or imposed by the Law of Waters of June thirteenth, eighteen hundred and seventy-nine extended over Porto Rico by the royal order of the fifth day of April, eighteen hundred and eighty-six,¹ published in Porto Rico on the twenty-eighth day of April, eighteen hundred and eighty-six, upon the Governor, the governor of the Province of the Governor General are hereby transferred to, vested in and imposed upon and shall hereafter be fully exercised by the Commissioner of the Interior; that all rights, powers and duties conferred or imposed by the said Law upon the Minister of the Colonies (or Ultramar) are hereby transferred to, vested in and imposed upon and shall hereafter be fully exercised by the Executive Council; and that all the rights, powers and duties conferred or imposed by the said Law upon the respective Juntas Provinciales, Juntas Consultivas, Diputaciones Provinciales and upon the Consejo de Estado are hereby abrogated and abolished and any act required or permitted by the said Law of Waters to be done with the concurrence or upon the advice of any of the said bodies or of any members or officials thereof may be done without such concurrence or advice.

^aNote.--See extract from Translation of the Law of Waters (pp. 23-29 hereof). Compiler, Forest Service.

¹This law began to be published in the Gazette of Porto Rico of Apr. 29, 1886, No. 51, continuing May 1, May 4, May 6, May 8, May 11, and concluding in the issue of May 13, being Nos. 52 and 57 inclusive. There was no issue of the Gazette of Porto Rico for Apr. 28, 1886.

The law of waters was extended over Porto Rico by royal decree of Feb. 5, 1886, instead of Apr. 5, 1886, as above stated.
* * * [Note by Bureau of Insular Affairs, War Dept.]

(2381) 2. That matters which by the said Law of Waters are made the subject of a royal decree or of an act of the Cortes of the Kingdom of Spain shall hereafter be the subject of an ordinance or resolution of the Executive Council, except as otherwise provided by the law. Royal decrees, etc., to be subject of action by Executive Council.

(2382) 3. That wherever the said Law of Waters requires or allows any publication in the "Gaceta de Puerto Rico" or in any other newspaper or publication, it shall be sufficient to make such publication in any newspaper of general circulation in Porto Rico designated for that purpose by the Commissioner of the Interior. Publications in newspapers.

(2383) 4. That all appeals provided for by the said Law of Waters to the Consejo Contencioso Administrativo are abolished; but the Executive Council may in its discretion review, reverse or alter any determination made by the Commissioner of the Interior in the exercise of the powers conferred upon him by the said Law of Waters or by this act at any time within thirty days after such determination shall be made. Appeals regarding questions arising out of the exercise of the right of eminent domain may be taken in accordance with the law of eminent domain. Appeals.

(2384) 5. That the word "fabrica," or "factory," whenever it occurs in the said Law of Waters, shall be held to include plants and works for the conversion of water power into electricity for power, light and other purposes. Worde "fabrica" or "factory," meaning of.

(2385) 6. That except as so amended the said Law of Waters shall be and remain in full force and effect.

Law of waters continued in force.

(2386) 7. That this act shall take effect immediately.

Act effective, when.

Approved, March 12, 1903.

[Translation.]

LAW OF WATERS.

[Note.--Spanish Law of June 13, 1879; extended over Porto Rico by royal decree of Feb. 5, 1886. See (2380) supra, and footnote thereto by Bureau of Insular Affairs, on page 23 of this compilation. Compiler, Forest Service.]

T I T L E II. * * * Accretions, Protective Works, * * * * * *

CHAPTER 5. * * * and Accretions.

* * * * * * * * *

Accretions, Relictions, * * * of Waters.

(2428) Art. 42. When a navigable river, or one down which it is possible to float logs or rafts, should naturally change its direction and open a new channel through a private estate, Of new channels through such channel shall become public property. The owner of the estate shall recover it whenever the water again leaves it, whether naturally or on account of works legally authorized for the purpose.

(2434) Art. 48. Any person may pick up and save * * * timber, products of the soil, * * * or other products of industry which may have been swept away by the current of public waters or which may be submerged therein, and immediately turn them over to the local authority, who shall direct that they be placed under custody or that they be sold at public sale when it is not possible to keep them. The salvage shall be advertised in the town in which found and in the towns lying above it, and if the owner should file his claim within six months, the object or its value shall be delivered to him, upon payment of the cost of keeping it and the salvage fee, which shall consist of ten per cent. Upon the expiration of such period without the owner having filed any claim, he shall forfeit his rights, and everything shall be returned to the person who recovered it, upon payment of the cost of keeping.

The provisions of the foregoing paragraph shall not apply when the owner of the objects contributes to their salvage.

(2435) Art. 49. Brushwood, branches, and firewood floating on the water which lodge in the channel or on lands of public ownership belong to the first person who may gather the same; those left on lands of private ownership belong to the owners of the respective estates.

(2436) Art. 50. ^aTrees uprooted and carried away by the rush of waters belong to the owner of the land where they lodge, if not claimed within one month by their former owners, who shall be obliged to pay the cost of securing the trees or placing them in a safe place. Of trees uprooted by current.

CHAPTER 6.--Works of Protection Against Public Waters.

(2438) Art. 52. The owners of estates adjoining public channels are at liberty to construct protective works against the waters on their respective margins, by means of plantings, palings, or revetments, whenever they consider it advisable, and shall in due time make a report thereof to the local authority. The administration may, nevertheless, after instituting proceedings, order such works to be discontinued and even restore things to their original state when owing to conditions they threaten to interfere with navigation upon the river or the floating of timber or rafts thereon, or to divert the stream from its natural course, or to cause floods. Protective works public channels; right to construct.

(2439) Art. 53. When plantings or any protective work sought to be constructed are to extend into the channel, they shall not be made without prior authority from the ^bColonial Secretary, in the case of navigable rivers or those down which timber or rafts may be floated, or from the governor of the province, in the case of other rivers, always in accordance with the provisions of the regulations for the execution of this law. Authority required if works extend into channel.

(2440) Art. 54. * * * Authority for works of small cost.

(2441) Art. 55. * * * When owners benefitted to contribute to cost of works.

(2442) Art. 56. * * * Construction or destruction of works to prevent or check floods.

^aSee (3448) Sec. 378 (p. 38 of this compilation). Compiler, Forest Service.

^bNote.--See (2380) supra (p. 22 of this compilation), concerning the matter of transfer of rights, powers and duties of the Governor and certain other officials. Compiler, Forest Service.

(2443) Art. 57. Works of general, provincial, or local interest which may be necessary for the protection of towns, territories, roads, or public establishments, and to keep navigable rivers and those down which rafts or logs may be paid for by floated within their channels and the administration. free from obstructions, shall be ordered and paid for by the administration, according to the provisions of this general law of public works.

The examination and approval of the plans relating to these works pertain to the Colonial Secretary, who shall authorize their construction after the proceedings which will be prescribed in the regulations for the execution of this law.

(2444) Art. 58. The Colonial Secretary shall direct that a study be made of rivers, with a view to the proper control of their currents, as also of the branches thereof which are navigable or down which rafts or logs may be floated; that their currents be gauged and studies made of means to prevent floods, to fix the points where it would be advisable to construct works to direct the waters, to drain swamps, and to maintain navigation and the floating of logs or rafts.

(2445) Art. 59. The Colonial Secretary shall also direct that a study be made of the portions of the basins and watersheds which it is advisable to keep wooded in the interest of watersheds. a control of the water supply.

T I T L E III.--SERVITUDES IN REGARD TO WATERS.

CHAPTER 8.--Natural Servitudes.

(2455) Art. 69. Lower tenements are obliged to receive the waters flowing thereon from higher tenements naturally and without the work of man, as well as the stones or earth which such waters carry with them in their course. But if the waters have been brought to the surface by artificial works or are the overflow from irrigating ditches, or issue from industrial establishments, which have not acquired such servitude, the owner of the lower tenement shall be entitled to damages.

* * * * *

(2460) Art. 74. When the water deposits brush, or other objects on an estate which interfere with its natural course and may block the channel, causing floods, a diversion of the water or other damages, the persons interested may require the owner of the estate to remove the obstacle or permit them to remove it. If damages lie they shall be paid by the person causing them.

Removal of obstructions.

Compulsory aqueduct servitude; when and by whom imposable.

CHAPTER 9.--Legal Servitudes.

(2461) Art. 75. A compulsory aqueduct servitude may be imposed for the conveyance of waters intended for a public service not requiring the condemnation of lands. It is the duty of the Colonial Secretary to decree the servitude in works in charge of the State, and of the Governor of the Province in provincial and municipal works, in accordance with the procedure prescribed in the regulations.

(2462) Art. 76. If the aqueduct is to cross communal roads, permission therefor shall be granted by the alcalde, and if it is to cross public roads or channels, the Governor of the Province shall grant such permission in the form prescribed in the regulations. When it is to cross navigation canals or navigable rivers or rivers down which it is possible to float rafts or logs, the permission shall be granted by the Government.

Authority to cross roads or rivers.

(2463) Art. 77. A compulsory aqueduct servitude may also be imposed for purposes of private interest in the following cases:

Imposition of servitudes for private purposes.

1. The establishment or increase of irrigation.
2. The establishment of * * * ^bfac-tories.

* * * * *

In the first three cases the servitude may be imposed not only for the conveyance of the necessary waters, but also for the outlet of the surplus.

^a Note.--See (2380) supra (p. 22 of this compilation), concerning the matter of transfer of rights, powers and duties of the Governor and certain other officials.

^b See (2384) supra (p. 22 of this compilation). Compiler, Forest Service.

Servitude,
how to be
granted.

(2464) Art. 78. * * * * *

* * * * *

(2481) Art. 95. The owner of an aqueduct may strengthen its margins with sod, but not with plantings of any kind. Nor shall the owner of the servient tenement be permitted to make any plantings or work of cultivation on said margins, and any roots penetrating therein may be cut by the owner of the aqueduct. * * * * *

(2487) Art. 101. Urban servitudes for an aqueduct, canal, * * * and other servitudes, established for the public or private service of * * * factories, shall be governed by the general and local urban police ordinances. Servitudes growing out of private contracts not affecting the powers of the municipal corporations shall be governed by the common laws.

Note.--For further provisions, in general, concerning this matter of "Aqueduct Servitude," see the text of all the sections under that head, in the Compilation of Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

Section II.--Servitudes for Dam Abutments, Stop Locks or Sluice Gates.

(2488) Art. 102. A compulsory servitude for dam abutments may be imposed when the person who intends to build the dam is not the owner of the banks or grounds upon which they are to be placed, and when the water to be taken thereby is destined to a public service or to one of the services of private interest referred to in Article seventy-seven.

(2489) Art. 103. Concession for servitudes of this character shall be granted by the administration in the form of Grants for, and according to the terms prescribed by whom and how made. this chapter.

^aSee (2384) *supra*. (p. 22 of this compilation). Compiler, Forest Service.

^bSee (2463) *supra*. (p. 24 of this compilation). Compiler, Forest Service.

^cSee (2461) *et seq.* (p. 24 of this compilation). Compiler, Forest Service.

(2490) Art. 104. Upon a compulsory servitude for dam abutments having been ordered, the owner of the servient tenement or tenements shall be paid the proper amount for the occupation of his land, and subsequently he shall be compensated for any damage which the estates may have sustained.

Amounts
payable
to owner
of servi-
ent tene-
ments.

Section IV.--Servitudes of Towpaths and Other Servitudes Inherent in Riparian Estates.

(2498) Art. 112. Estates adjoining the banks of rivers which are navigable or down which logs or rafts may be floated are subject to a servitude for towpaths. The width thereof shall be one meter if a foot towpath, and two meters if a horse towpath. When the sloping character of the land or other obstacle make it necessary, the towpath shall be laid along the most convenient place; but in such case, when the path enters the adjoining estates to a distance beyond the zone fixed by the towpath, the owners of such estates shall be paid for the value of the land occupied.

Servitudes
of towpaths,
etc., estates
subject to
Width.
Indemnity
to owners.

(2499) Art. 113. The Government at the time it classifies navigable rivers and those down which rafts or logs can be floated, shall determine the margin thereof where the towpath is to be run in each section.

Location of
towpath.

(2500) Art. 114. With regard to rivers which may hereafter become navigable or capable of log or raft floating by virtue of works constructed therein, the proper indemnity must be paid prior to the establishment of the towpath in accordance with the provisions of the law of eminent domain.

Time for
payment of
indemnity
for towpath.

(2501) Art. 115. When a navigable river or one down which logs or rafts can be floated ceases to be such permanently the servitude for a towpath shall also cease.

Servitude
ceases, when.

(2503) Art. 116. A towpath servitude is exclusively for the service of navigation or the floating of logs or rafts.

Purpose of
servitude.

(2503) Art. 117. A towpath servitude shall not be imposed for navigation canals unless the necessity therefor be established.

Can not be
imposed for
navigation
canals, when.

Interference with use of towpath. (2504) Art. 118. No plantings, sowings, fences, hedges, or other works or constructions which may interfere with the use of the towpath may be made thereon. The owner of the land may, nevertheless, make exclusive use of the brush or grasses growing wild thereon.

Removal of branches of trees. (2505) Art. 119. The branches of trees which are an obstacle to navigation or floating or to the towpath shall be cut down to a convenient height.

(2506) Art. 120. Riparian estates are subject to a servitude for fastening or securing the warps or cables necessary for the establishment of a ferry-boat service, after indemnity for loss and damage, and also to permit temporary moorings, in extreme cases, of passing vessels or floating objects; also upon payment of indemnity.

Deposit on riparian estates of floating objects for safety. (2507) Art. 121. If, in order to prevent floods from carrying away timber or objects floated down the river, it shall become necessary to remove and deposit them on the riparian estates, the owners of the latter shall not have the right to prevent it, and shall be entitled only to payment for loss and damage. Such charge shall constitute a first lien on the timber or objects, which shall not be removed before the conductors thereof have made payment or furnished security.

* * * * *

Administration to establish servitudes. (2511) Art. 125. The establishment of all these servitudes, including a right of way along the margins, for the common use of waters, is vested in the administration in the terms and manner prescribed for those of the first section of this chapter.

T I T L E IV.--Common Use of Public Waters.

CHAPTER 10.

Section 2.--Use of Public Waters for Fishing.

Right to fish in public channels. (2515) Art. 129. Any person may fish in public channels, * * * provided navigation or floating be not interfered with.

* * * * *

^aSee (2461) *et seq.* (p. 24 of this compilation). Compiler, Forest Service.

(2517) Art. 131. In everything relating to the construction of weirs or any other kind of apparatus destined to fishing, both in navigable rivers as in those down which rafts or logs may be floated and other rivers, the provisions in force on this subject or the laws and regulations which may hereafter be enacted shall be observed.

Provisions governing construction of weirs, etc.

(2518) Art. 132. The owners of weirs or fisheries established in navigable rivers or in rivers down which rafts or logs may be floated shall not be entitled to any indemnity for any damage caused thereto by the vessels navigating or the timber floating, unless the persons guiding the same shall have been guilty of a violation of the general regulations, of malice or evident negligence.

Damage to weirs or fisheries.

Section 3.--Use of Waters for Navigation and Floating.

(2520) Art. 134. The Government shall, after an investigation, declare by means of Royal decrees the rivers which are to be considered either in whole or in part navigable or capable of floating logs or rafts.

Declaration of rivers navigable or capable of floating logs.

(2521) Art. 135. The designation of landing places for * * * merchandises in navigable rivers, and for the formation and location of * * * rafts in rivers down which logs or rafts may be floated, shall be made by the Governor of the Provinces after the institution of proceedings.

Designation of landing places.

The land necessary for these uses shall be acquired by condemnation proceedings, if they are private property.

Condemnation of lands necessary.

(2522) Art. 136. Works of canalization or works the purpose of which is to make rivers navigable or capable of floating logs or rafts, when they are not naturally so, shall be made in accordance with the provisions of the general law of public works.

Provisions governing canalization of rivers.

(2523) Art. 137. When it becomes necessary, in order to make a river navigable or capable of floating logs or rafts, to destroy constructions, dams,

Destruction of dams or works to make rivers navigable, etc.

^aSee (2380) *supra.* (p. 22 of this compilation). Compiler, Forest Service.

^bSee (2381) *supra.* (p. 22 of this compilation). Compiler, Forest Service.

or other works which have been legally built in their channels or upon their banks, or to deprive persons entitled thereto from using the water for irrigation or any other purpose, forcible expropriation and compensation for loss and damage shall lie.

(2525) Art. 139. In rivers which have not been declared navigable or capable of floating logs or rafts, any person who owns the margins thereof or who obtains permission from such owner may establish ferryboats for the service of their estates or of the industry in which they are engaged.

Season for floating logs in rivers opened to floating. (2526) Art. 140. In rivers which will float logs or rafts only they shall be floated only at such seasons as may be designated in each case by the colonial secretary.

(2527) Art. 141. When rivers which have not been declared open for the floating of logs or rafts, can float such logs or rafts during periods of great floods or with the aid of movable dams, the governor of the Province may grant authority therefor, provided irrigation and established industries are not impaired, and provided further that the petitioners furnish bond for the payment of loss and damage.

(2528) Art. 142. The construction of dams shall not be permitted in any river which is navigable or capable of floating logs or rafts, without the necessary sluices and gates or channels for navigation and the floating of logs or rafts, and fish ladders in rivers where they may be necessary for the promotion of fishing of this character, and all such work shall be maintained by the owners of the same.

(2529) Art. 143. In navigable rivers, and in rivers down which logs or rafts may be floated the masters of the vessels and the carriers of the objects floated shall be responsible for the damage which the former or the latter may respectively cause. In passing under bridges or by public or private works, the masters or carriers shall conform to the regulations prescribed by the authorities. If they should cause any damage, they shall pay the entire cost of repair thereof, upon presentation of a bill with the proper vouchers attached.

(2530) Art. 144. This liability may be enforced by levy on the vessels or floating objects, in the absence of sufficient security, without prejudice to the right of action of the owners thereof against the masters or carriers.

(2531) Art. 145. All timber and other floating objects in charge of the same carrier, even though they belong to different owners, shall be liable for the payment of any damage which such objects may cause.

The owner or owners of the timber or other objects which are attached and sold, in a proper case, may demand of the others reimbursement of the amount due from each, without prejudice to the right of action of all against the carrier.

(2532) Art. 146. The provisions of the foregoing article shall also be observed when on account of a rise in the river or other cause two or more lots of timber or floating objects have met and become confused in such manner as to render it impossible to determine to whom the good causing the damage belonged. In such case they shall be considered as one lot, and the proceedings shall be had against any of the carriers, who shall have the right to recover from the others the amount which should be paid by them.

CHAPTER II.--Special Uses of Public Waters.

Section 1.--Concession of Uses.

* * * * *

(2545) Art. 159. In every use of public waters for canals for navigation or irrigation, ditches and drainage, the waterfalls and the factories and industrial establishments which the grantees may have constructed and established in their immediate vicinity, shall become the permanent property of such grantees.

^aSee (2380) *supra*. (p. 22 of this compilation). Compiler, Forest Service.

^aSee (2384) *supra*. (p. 22 of this compilation). Compiler, Forest Service.

Order of preference in grants for special uses. (2546) Art. 160. The following order of preferences shall be observed in grants for special uses of public waters:

* * * * *

5. Mills and other factories, *****

* * * * *

Preference shall be given in each class to the enterprises of most importance and utility, and in equality of circumstances, to the persons who first requested the use.

In every case the common uses referred to in sections 2, and 3 of the foregoing chapter shall be first respected.

Note.--For further provisions in this subdivision of chapter II, entitled "Section I.--Concession of Uses," which may bear, more or less directly, upon the use of waters for dams, etc., in connection with lumber manufacturing, see the Compilation of the Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

Section 4.--Use of Public Waters for Irrigation.

* * * * *

(2579) Art. 193. Mills and other industrial establishments which may be prejudiced by the diversion of waters of a river or creek, granted in accordance with the provisions of this law, shall in every case receive the proper indemnity from the grantee of the new work. Such indemnity shall consist of the amount of the damages as agreed on between the parties; but if no agreement shall be reached, condemnation proceedings for a cause of public utility shall be instituted.

Rights and privileges of irrigation companies.

(2580) Art. 194. Irrigation companies shall enjoy the following:

* * * * *

4. The employees and workmen of the company shall be entitled to wood, ***** and other privileges enjoyed by the residents of the towns in whose districts the works are constructed.

* * * * *

^aSee (2384) *supra* (p. 22 of this compilation). Compiler, Forest Service.

^bSee p. 26 of this compilation. Compiler, Forest Service.

Section 6.--Use of Public Waters for Ferryboats, Bridges, and Industrial Establishments.

(2596) Art. 210. In rivers which are neither navigable nor capable of floating logs or rafts the owners of both margins may establish ferryboats, after receiving authority from the alcalde, or wooden bridges destined to the public service, after authority from the governor of the Province, who shall fix their site, the schedules of charges, and other conditions necessary in order that their construction and service may offer proper safety to travelers.

(2597) Art. 211. A person desiring to establish in rivers which are only capable of floating logs or rafts ferryboats or bridges to connect highways, or ferryboats at local roads which have no bridges, shall request authority of the governor of the Province, stating the point where he intends to place them, their dimensions and character, and attaching the schedule of rates for passengers and service. The governor shall grant the authority in the terms prescribed in the foregoing articles, taking care, furthermore, that the service of floating be not interfered with. Concessions for bridges connecting sections of local roads over rivers capable of floating rafts or logs only shall be granted in accordance with the provisions of the road law in force in the island.

(2598) Art. 212. With respect to navigable rivers, the Colonial Secretary alone may grant authority for the establishment of ferryboats or floating bridges for public use. In granting the concession the passage rates shall be established as well as the other conditions necessary for the service of navigation and floating and the safety of travelers.

(2599) Art. 213. The concession referred to in the foregoing articles only give a right to indemnity for the value of the work if the government should find it necessary to make use thereof for the benefit of the general interests.

Indemnity if government takes over ferryboats or bridges.

(2600) Art. 214. * * *

* * * * *

* * * * *

Right of a Colonial Secretary to establish ferryboats.

Indemnity to private owner injured.

^aSee (2380) *supra* (p. 22 of this compilation). Compiler, Forest Service.

(2601) Art. 215. In rivers which are neither navigable nor capable of floating logs or rafts the owner of both margins may without restriction establish any apparatus, machinery, or industry which will not cause a diversion of the waters from their natural courses. * * *

* * * * *

(2602) Art. 216. The authority to establish in rivers which are navigable or down which rafts or logs may be floated any kind of apparatus or floating machinery, whether to transfer the movement to other stationary ones on land or not, shall be granted by the governor of the province after the institution of proceedings in which the owners of both margins and the owners of industrial establishments immediately below shall be heard. The following circumstances shall also be established:

1. That the petitioner is the owner of the margin where the vessels are to be moored, or that he has obtained permission from such owner.
2. That it does not impede navigation or floating.

Terms of (2603) Art. 217. * * * * *

(2604) Art. 218. In rivers which are navigable or down which rafts or logs may be floated, as well as in rivers which are not so, it devolves upon the governor of the Province to grant the authority for the establishment of mills or other industrial works in buildings situated near the edges, to near edges which the necessary water is conducted by means of canals, afterwards being returned to the current of the river. In no case shall such authority be granted if navigation or floating on the rivers or existing industrial establishments will be prejudiced thereby.

An indispensable requisite to obtain the authority referred to in this article is that the applicant be the owner of the land upon which he desires to construct the building for the works or that he have the authority of the owner to do so.

(2605) Art. 219. If an industrial establishment shall communicate to the waters substances or properties injurious to health or vegetation, the governor of the Province shall order a technical examination made, and if the damage be established he shall order that the industrial work be suspended to rivers, until the owners thereof adopt the

proper remedy. The fees and cost of the examination shall be defrayed by the person making the complaint if it should be found to be groundless and otherwise by the owner of the establishment.

If the owner or owners should not have adopted the proper remedy within a period of six months, it shall be understood that they desire to discontinue the operation of their industry.

(2606) Art. 220. Grants for the use of public waters by industrial establishments shall be made in perpetuity and under the condition that if at any time the waters acquire properties prejudicial to health or vegetation by reason of the industry for which they were granted, the forfeiture of the grant shall be declared, without any right to indemnity by reason thereof.

Terms and conditions of grants of waters for industrial purposes.

(2607) Art. 221. Persons who make use of the water as motive power for machinery or industrial establishments located within a river or on the banks or margin thereof, shall be relieved from the payment of any taxes during the first ten years.

Exemption from taxation.

T I T L E V.

CHAPTER 15.--Jurisdiction of Courts in the Matter of Waters.

* * * * *

General Provisions.

(2644) Art. 258. All laws, decrees, orders, and other provisions on the subject matter of this law, issued prior to its promulgation and in conflict therewith, are hereby repealed.

Repealing clause.

(2645) Art. 259. ^aThe Governor General of the Island may anticipate concessions of any works or uses, which, under this law, come under the jurisdiction of the Colonial Department, as the delegates of the latter, without prejudice to and reserving the final decision which may be proper if the persons interested accept this condition, and provided there is no opposition or difference whatsoever between bodies or officials reporting thereon; otherwise he shall forward the respective record to the Colonial Department, together with his recommendations, for decision.

Anticipation of concessions by Governor General.

^a See (2380) supra. (p. 22 of this compilation). Compiler, Forest Service.

P O L I T I C A L C O D E

C I V I L C O D E

C O D E O F C I V I L P R O C E D U R E

P E N A L C O D E

C O D E O F C R I M I N A L P R O C E D U R E

JOINT RESOLUTION NO. 5. As to the enrollment and engrossment of the political, the civil, the penal, and the criminal procedure codes reported by the joint committee of the legislative assembly.

(2646) Be it resolved by the Executive Council and the House of Delegates of Porto Rico Assembled in the Legislative Assembly: That a printed copy respectively of the Civil Code, the Political Code, the Penal Code and the Code of Criminal Procedure, reported by the Code Commission appointed under the act of nineteen hundred and one, as the same shall have been amended in the Legislative Assembly, with the said amendments indicated on the said printed copies in manuscript, type or pen writing, shall, if duly passed, be signed by the President of the Executive Council and the Speaker of the House of Delegates, and it shall not be necessary to enroll and engross the text of the said acts as amended, but the signatures of the presiding officers attached to a printed copy of the aforesaid acts, with the amendments indicated as aforesaid, shall have the same force and effect as though attached to an enrolled and engrossed copy, and the printed copy of each code signed as aforesaid shall, on receiving the approval of the Governor, be deemed and considered as the original and the duly enrolled enactments of the Political Code, the Civil Code, the Penal Code, and the Code of Criminal Procedure respectively.

Approved March 1, 1902.

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2The bureau of agriculture and mines was discontinued as no appropriation has been made for its support in the appropriation acts from 1904-5 up to the present fiscal year. [Note by Bureau of Insular Affairs, War Department.]

(2823) Sec. 137. All provisions contained in any decrees, ordinance, orders, regulation or law existing or in force at the time of the passage of this act, which define or prescribe any additional power or duty to be assumed or performed by the Commissioner of the Interior, and not inconsistent or in conflict with the powers and duties herein prescribed, are hereby declared to be and continue in full force and effect and shall not be in any way repealed or modified hereby.

T I T L E VIII.--GENERAL ROAD LAW.

(2936) Secs. 247 to 279. (Superseded by the Municipal Law of Mar. 8, 1906.) (See page 346 aherein).

T I T L E IX.--REVENUE.

CHAPTER I.--Assessment of Property.

(2937) Sec. 285. (Repealed by implication by the following section of an act approved Mar. 12, 1908, p. 187.)

Assessment of property. Section 1. That for and during the fiscal year beginning the first day of July, nineteen hundred and eight, and ending the thirtieth day of June, nineteen hundred and nine, and in every succeeding fiscal year, unless otherwise provided by the Legislative Assembly of Porto Rico, there shall be levied and collected, for the purpose of providing Insular and municipal revenue, by the Insular Government, a tax of ten one-hundredths of one per cent and by the municipalities a tax of not exceeding ninety one-hundredths of one per cent upon the value of all real and personal property in Porto Rico, and of all personal property of persons residing in Porto Rico, to be ascertained as hereinafter provided, not hereinafter exempted from taxation.

(2938) Sec. 286. That it shall be the duty of the Treasurer of Porto Rico to make a revision of the assessment of property in Porto Rico, for purposes of taxation, and to assess all property subject to assessment. taxation and heretofore assessed, as need for such revision and assessment arises. Such revision of assessments and the assessment of property not heretofore assessed shall be made solely in accordance with the provisions of this Title.

Property subject to taxation. (2942) Sec. 290. (As amended by act of Mar. 10, 1904, p. 169.) That all property not expressly exempted from taxation shall be assessed and taxed. For the purposes of the assessment and collection of taxes, real property

shall be deemed to be synonymous with immovables as defined in sections 333, 334 and 335 of the Civil Code; Provided, however, That machinery, vessels, instruments or implements not fixed to the building or soil shall not be deemed to be real property. Personal property shall include such machinery, and not fixed to the building or soil, and all other matters and things capable of private ownership and not included within the meaning of the term "Real property,"

(2943) Sec. 291. (As amended by act of Mar. 10, 1904, p. 169.) Property exempt from taxation. The following property shall be exempted from taxation:

(b) Property of the United States and property exempted from taxation by the laws of the United States; property of The People of Porto Rico, except as provided in section 296 of this Title; property of any municipal district or other local division devoted entirely to public use, even though such property should be a source of revenue to such municipal district or local division.

(e) every building used and set apart for educational, scientific purposes, and appliances and apparatus appurtenant thereto; and every tract of land, not exceeding five cuerdas in extent, upon which such building or buildings is or are situated; Provided, That such grounds and buildings are not leased or otherwise used with a view to the pecuniary profit of either the lessor or lessee.

(h) The growing crops and products of the land actually owned by and still in the hands of the producer.

(k) All educational and professional books

(m) But all property hereby exempted from assessment, in so far as it is real property, shall be duly listed, valued and described as is other property; and the Treasurer shall keep a record showing for each piece of real property so exempted its description and estimated value, and by whom it is owned, the reason for its exemption from taxation, and such other information as the Treasurer may deem desirable.

(2946) Sec. 294. So much of the property of any manufacturer, merchant or tradesman as may consist of stocks of material or merchandise shall be listed separately and assessed upon its average market value during the year next preceding the time of assessment; and the assessor may in assessing such stocks require of such manufacturer, merchant or tradesman to produce the last inventory thereof, and if in the judgment of the assessor the same is not correct, or if such time has elapsed since the inventory was taken that it shall have

Manufacturer, merchant, or tradesman, stock, how listed and assessed; inventory of.

^aNote.--The word "herein" has reference to the Compilation of Revised Statutes and Codes of Porto Rico, 1911, by the Bureau of Insular Affairs. For the act referred to, see pp. 17 and 18 of this compilation. Compiler, Forest Service.

^aNote.--For Sections 333 and 334, see the Compilation of Revised Statutes and Codes of Porto Rico, 1911; for Section 335, see p. 37 of this compilation. Compiler, Forest Service.

^bSee Compilation of Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

ceased to be reliable as to the value thereof, and such merchant or tradesman should not produce a new inventory within ten days thereafter, or if the assessor does not consider the last inventory to be reliable, then the assessor shall appraise the said stock by personal examination.

(2949) Sec. 297. (As amended by act of Sept. 3, 1910, p. 37.) That all personal property within or without Porto Rico shall be assessed to the owner thereof in the municipality in which he resides on property, the fifteenth day of January, except to whom that such personal property as goods, assessed, wares, merchandise, and other stock-in-trade; machinery employed in any branch of manufacturing or business, including machines leased or operated under a stipulation providing for the payment of a royalty; * * * shall be assessed to the owner in the municipality in which it is thus situated; * * *

(2950) Sec. 298. (As amended by act of Sept. 3, 1910, p. 37.) That all real property shall be assessed in the municipality in which the real property lies to the Real property, person who is either the owner where and to or in possession thereof on the whom assessed, fifteenth day of January, and the person appearing of record on the fifteenth day of January shall be held to be the true owner thereof. * * *

Board of (2960) Sec. 308. (As amended by act of Mar. 10, 1904, p. 174.) * * * review and equalization. Members of.

(2962) Sec. 310. * * * said board shall have power to abate, lessen or increase the valuations made in any schedule returned to it, whether any complaint has been made in relation thereto or not, and to decide all other complaints in respect to the assessment of taxes and to correct all errors as they may be brought to its attention: Provided, however, That no increase shall be made in the valuation of the property of any person unless such person shall have been given at least five days' notice of the intention to make such increase, in the manner provided for in section 302 of this Title. The decision of the board of witnesses, in all matters coming before it

shall be final. In executing the duties imposed upon it by this Title the said board may examine, on oath or affirmation, any person or persons who may have knowledge of or information concerning the value of property subject to taxation, and any member of said board may administer the oath or affirmation.

(2967) Sec. 315. (As amended by act of Mar. 14, 1907, p. 338.) That it shall be the duty of the assessor in making the assessment, or in reviewing the existing assessment, to list each piece or parcel of real estate separately, and to give to each its assessed value, together with a description of it, and the name and address of its owner, insofar as such information can be obtained. Where the real property embraces both land and improvements, the assessed value of the land and of the improvements shall be given separately. * * *

Property, manner of listing.

Tax assessed to constitute first lien.

T I T L E X.--MISCELLANEOUS PROVISIONS.

(3091) Sec. 384. No part of Not retro- at (of this code) is retroactive, active, unless expressly so declared.

(3092) Sec. 385. All statutes, decrees, resolutions or military orders and circulars or regulations or parts thereof in conflict with the provisions of this code are hereby repealed.

* * *

^bApproved, March 1, 1902.

^aFor Section 302, see Compilation of the Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

^bNote.--See title of this act and footnote thereto, on p. 32 of this compilation. Compiler, Forest Service.

APPENDIX TO POLITICAL CODE

Law approved
March 1, 1902

T I T L E X I.

CHAPTER 1.

Bureau of Public Works.

(3100) Sec. 393. Property and Works Under the Commissioner of the Interior. That the Commissioner of the Interior shall have charge . . . of all insular public works of whatever kind and name, whether such works be paid for with funds appropriated for the purpose by the Legislative Assembly of Porto Rico, or with funds donated or appropriated by any person or corporation, or by the Government or Congress of the United States for the benefit of the People of Porto Rico; and also of all property ceded by the Government of Spain to the United States, the administration whereof was placed under the control of the Government of Porto Rico by the provisions of a section thirteen of the law of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

(3101) Sec. 394. Bureau of Public Works. That a bureau of public works is hereby created and established in the department of the Interior, and under the control and discretion of the commissioner. The said bureau shall be the legal successor of the present board of public works, which board is hereby discontinued and abolished.

(3102) Sec. 395. Chief of Bureau. That the Commissioner of the Interior shall appoint a chief of the bureau of public works, whose official title shall be "Superintendent of Public Works," and who shall be a competent civil engineer and experienced in his profession. The Commissioner of the Interior shall also appoint an assistant superintendent of public works, who shall possess similar requirements to those prescribed for the superintendent of public works.

(3103) Sec. 396. Public Works Defined. That for the purposes of this Title, the term insular public works shall include, in addition to the specific provision of section 393, all works that may be of general use or benefit to The People of Porto Rico, all constructions that may be destined for services of which the Insular Government has charge, and all other works, which, although not included within the meaning of the foregoing provisions, may hereafter be declared as such by the Legislative Assembly of Porto Rico.

(3104) Sec. 397. Insular Roads. That the term insular roads as used in this Title shall be held to mean all those highways or public roads that have been or may be built, and are or shall be maintained by insular funds, or those included in the general plan of roads to be built and maintained by insular funds as may be hereafter approved and enacted by the Legislative Assembly of Porto Rico.

(3105) Sec. 398. Duties of the Superintendent. That the general duties of the superintendent of public works shall be as follows:

A. To survey, plan, direct, supervise and inspect all new works and all works requiring maintenance and repair. Superintendent of public works, duties of.

C. To prepare the general plans of public works that may be required for the consideration of the Legislative Assembly.

D. To prepare the budgets necessary to carry on the public works each fiscal year for submission to the consideration of the Legislative Assembly.

E. To report upon all engineering questions submitted for investigation by any department of the Insular Government or by any municipal corporation of the Island.

F. To prepare and sign, in the name of The People of Porto Rico, all contracts and agreements made for the construction or repair of public works or for the purchase of materials.

G. To prescribe all needful rules and regulations not contrary to this Title, that he may deem necessary for carrying out the duties of his office, with such organization of the different sub-divisions as he may deem proper, subject to the approval of the Commissioner of the Interior.

H. To perform all other duties that the laws of Porto Rico or the Commissioner of the Interior have assigned or may hereafter assign to or prescribe for the bureau of public works.

(3106) Sec. 399. Compilation of Statistics. That the superintendent of public works shall annually compile the statistics of all public works, particularly of those which refer to highways and public roads, whether insular, vicinal or rural, and he shall gather all information regarding such roads necessary for the purpose. He shall cause to be prepared a map of the Island on which all public roads and particularly the insular roads shall be properly shown, . . . and the said map shall, during office hours, be open to the inspection of all persons who have charge of and authority over vicinal and rural roads, and who shall have the right to consult the superintendent of public works in regard to the construction, repairing, alteration and maintenance of such roads, and without charge therefor. Statistics of public works, compilation of. Map of island showing public roads.

^a See in Appendix to this compilation (p. 45), Section 13 of the Organic Act. Compiler, Forest Service.

^a See Sec. 66 of the Municipal Law of March 8, 1906, in Compilation of Revised Statutes and Codes of Porto Rico, 1911, p. 361 thereof. Compiler, Forest Service.

Local public (3107) Sec. 400. Duties
works, super- of Local Officials. * * *
vision over. * * *

CHAPTER II.--Duties of the Commissioner of the Interior.

(3114) Sec. 407. Duties of the Commissioner of the Interior. That the following shall be the duties of the Commissioner of the Interior:

1. To approve all projects Commissioner of the Interior. for all public works, and no work shall be undertaken until this requirement be complied with.

2. To approve all general plans for the public works to be prepared by the bureau, in accordance with ^asection 398 of this Title and he may introduce any modifications and changes that he may deem convenient in the approved plans now in force and which may be approved in the future, before they are submitted to the Legislative Assembly of Porto Rico for consideration.

9. To do and fulfil whatever else may be prescribed by law as a duty of the Commissioner of the Interior.

(3115) Sec. 408. Powers of the Commissioner. That the Commissioner of the Interior shall have power to do or cause to be done, all things, and to decide all questions concerning the Insular public works, Powers. which may not be provided for in this Title and as may in his judgment be most advantageous to the People of Porto Rico.

CHAPTER VI.--General Provisions.

(3134) Sec. 427. Repealing Clause. That the general law of public works for the Island of Porto Rico and the rules and regulations for the execution of the same, enacted June twenty-second, eighteen hundred and eighty-one, and all laws, Repealing clause. decrees, orders, general orders or parts thereof, in conflict with ^bthis Title are hereby repealed.

(3108) Sec. 401. Annual Report. That the Superintendent of public works shall make a report to the Commissioner of the Interior at the end of each fiscal year, in which he shall state the operations and expenses of the bureau for the preceding year. Said report shall comprise all data, statistics and explanations regarding the construction and maintenance of public works, and the superintendent shall make therein such recommendations as he may deem proper concerning the general policy to be followed with regard to the public works. This report shall be transmitted by the Commissioner of the Interior, together with his recommendations, to the Governor, and by him laid before the Legislative Assembly at the succeeding session. Such report shall be published both in English and Spanish.

(3109) Sec. 402. Appropriation. That for the purpose of carrying out the provisions of this Title, the superintendent of public works may, with the approval of the Commissioner of the Interior, expend for personnel and material, and for the construction, repair and maintenance of public works, such sums of money as may from time to time be appropriated for the said purpose by the Legislative Assembly, and the said superintendent shall state in the annual report the appropriations that he may deem necessary for the carrying on of public works for and during the next fiscal year.

(3110) Sec. 403. Maintenance of Roads. That the superintendent of public works shall cause the Insular roads in his charge to be kept in good condition; he shall cause the planting of the necessary shade trees along the roads, renewing such trees whenever necessary, * * *

^aSee the following section (3110). Compiler, Forest Service.

^aSee (3105) supra (p. 35 of this compilation). Compiler, Forest Service.

^bNote.--For date of approval of this act, see p. 35 of this compilation. Compiler, Forest Service.

CIVIL CODE.

^aAn Act to amend the Civil Code of Porto Rico.

Be it enacted by the Legislative Assembly of Porto Rico:

(313b) Section 1. This act shall be known as "The Civil Code of Porto Rico."

PRELIMINARY TITLE.

THE LAWS, THEIR EFFECTS AND THE GENERAL RULES FOR THEIR APPLICATION.

(3139) Sec. 5. Laws shall only be repealed by means of subsequent laws; and disuse, custom or practice to the Repeal contrary shall not impede their of laws enforcement.

Laws may be repealed either entirely or in part by other laws.

(3140) Sec. 6. The repeal is either express or implied. It is express when it is literally declared by a subsequent law; it is implied, when the new law contains provision either contrary to Express or irreconcilable with those of the Implied former law. The repeal of a repealing act does not revive the act repealed.

^aNote.--The Civil Code, as published in "The Revised Statutes and Codes of Porto Rico, 1902," fails to show the approval of this act. See, however, in the volume of Session Laws of 1902 (pp. 136-138 thereof), the act approved March 1, 1902, entitled "An act to provide for the compilation, rearrangement and publication of the code and other laws."

See also Joint Resolution No. 5, approved March 1, 1902 (p. 31 of this compilation). Compiler, Forest Service.

BOOK SECOND.

PROPERTY OWNERSHIP AND ITS MODIFICATIONS.

TITLE I.

CHAPTER I.--General Principles.

(3398) ^aSec. 328. The property of public use in Porto Rico and the towns thereof comprises the Insular and local roads, the squares, streets, fountains and public waters, walks, and public works for general use, paid for Property of public use by the said towns or from the Treasury of Porto Rico.

All other property, possessed by either The People of Porto Rico or the municipalities thereof, is common property for the use of the general and municipal governments (bienes patrimoniales) and shall be governed by the provisions of this Code.

(3400) Sec. 330. Things are furthermore divided into corporeal and incorporeal.

Corporeal things are such (as) are manifest to the senses, which Corporeal things may be touched or tasted, whether animate or inanimate. Of this kind are fruits, " " " " lands, meadows, woods, " " " " and others. " " " " Incorporeal

(3402) Sec. 332. The third and last division of things is into movables and immovables.

Movables and immovables.

CHAPTER II.--Immovables.

(3405) Sec. 335. The following are immovables:

" " " " " " " " " " " "

2. Trees, plants and ungathered fruits, while they are not separated from the land or form an integral part of an What are immovables.

" " " " " " " " " " " "

^aNote.--Sec. 328 is included in this compilation on account of the reference thereto in (381) of the Compilation of Revised Statutes and Codes of Porto Rico, 1911 (p. 9 of this compilation). Compiler, Forest Service.

T I T L E II.--OWNERSHIP.

CHAPTER II.--The right of Accession.
General Provision.

Article second.--The right of accession with
respect to immovables.

(3437) Sec. 367. Whatever is * * *
Plantings and im- planted or sown on another's
provements on an- land, and * * * belong
other's land. to the owner thereof, sub-
ject to what is prescribed
in the following sections.

(3438) Sec. 368. All * * * sown lands
When presumed to and plantings are presumed
be made by owner. to have been made by the
owner, and at his expense,
unless the contrary be
proven.

(3439) Sec. 369. The owner of the land
who shall make thereon, by himself or through
another person, plantings, * * * with materi-
al belonging to another person,
Plantings, etc., is bound to pay their value;
with another's and if he has acted in bad faith,
material. he shall also be obliged to pay
an indemnity for damages and in-
juries caused thereby. The owner of the materi-
als shall have the right to remove them only
* * * when by so doing the plantings * * *
are not destroyed.

(3440) Sec. 370. The owner of the land
which has been * * * sown, or planted in
good faith, has the right to appropriate as
his own the * * * sowing or
Appropriation planting, by previously pay-
of plantings ing the indemnity specified
upon payment in a section [sections?] 455
of indemnity. and 456 of Chapter III, Title
V, and to oblige the person
who has * * * planted to pay him the value
of the land, and the person who sowed, to pa-
the corresponding rent.

(3441) Sec. 371. He who * * * plants,
or sows in bad faith on another's
Bad faith in- land, loses what he has * * *
fluencee how. planted or sown, without having
any right to indemnity.

(3443) Sec. 372. The owner of the land
on which any one has * * * planted or sown
in bad faith, may exact * * * the removal
of the planting or sowing
When demolition and the replacing of every-
may be exacted. thing in its former condition,
at the expense of the person
who * * * planted or sowed.

(3442) Sec. 373. When there has existed
bad faith, not only on the part of the person
who * * * sowed or planted
on another's land, but also on Bad faith of
the part of the owner of such both parties
land, the rights of both shall
be the same as though both had acted in good
faith.

Bad faith on the part of the owner is un-
derstood to exist whenever the act has been
executed in his presence and with
his knowledge and forbearance, and Bad faith
without opposition on his part. of owner.

(3444) Sec. 374. If the * * * plants,
or seed belong to a third person who has not
acted in bad faith, the owner of
the land shall be liable subsidi- If materi-
arily, for their value, and only als belong
in the event that the person who to a third
made use of them has no property person.
with which to pay.

This provision shall not be applied if the
owner make use of the right granted him by sec-
tion 372 of this article.

(3448) Sec. 378. ^bTree uprooted and
carried away by the current of waters, belong
to the owner of the land upon
which they are carried, if the Tree uprooted
former owners do not claim them and carried by
within a month. If such owners current.
claim them, they shall pay the
expenses caused by the collecting and securing
of the same in a safe place.

CHAPTER IV.--The Right to Enclose
Agricultural Lands.

(3465) Sec. 395. Every owner may enclose
or fence his tenements by
means of * * * live or Right to enclose
dead hedges * * * with- agricultural lands.
out injury to servitudes ex-
isting thereon.

CHAPTER V.--Unstable Buildings and
Trees About to Fall.

(3467) Sec. 397. When any large tree
threatens to fall in such a way as to cause
damage to another's tenement or
to persons passing over a pub- Removal of
lic or private road, the owner tree.
of the tree is obliged to pull
it down and remove it; and should he fail to do
so, it shall be done at his expense by order
of the authorities.

(3468) Sec. 398. In the cases referred
to in the two preceding sections, should the
tree * * * fall, the owner
shall be liable for the damages Liability if
caused, except in cases of building or
major. tree falls.

^aFor said sections 455 and 456, see (3525)
Sec. 455 and (3526) Sec. 456 of the Compila-
tion of the Revised Statutes and Codes of
Porto Rico, 1911. Compiler, Forest Service.

^bSee (3436) Art. 50 (p. 23 of this compila-
tion. (Compiler, Forest Service.

T I T L E VI.--USUFRUCT, USE AND OCCUPANCY.

CHAPTER I.--Usufruct.

Article second.--The rights of the usufructuary.

(3553) Sec. 483. The usufructuary of cane or coffee plantations, or of any trees or shrubs, may make use of the Use of dead trunks on plantations. dead trunks, or even of those out off or torn off by accident, under the obligation of replacing them with others.

(3554) Sec. 484. If, in consequence of a storm, flood, calamity or extraordinary event, the cane or coffee plantations, or other trees or shrubs, shall have disappeared in such a considerable number that it would not be possible or be too costly to replace them, the usufructuary may leave the dead, fallen or destroyed trunks at the disposal of the owner and may oblige him to remove them and clear the land.

(3555) Sec. 485. The usufructuary of woodland shall enjoy all the profits which the same may produce, according to the nature thereof. If the woodland is a copse or consists of timber for building, the usufructuary may do such ordinary cutting and felling as the owner was in the habit of doing, and, in default of this, he may do so in accordance with the custom of the place, as to manner, amount and season.

In any case, the felling or cutting of trees shall be made so as not to prejudice the preservation of the tenement.

In tree nurseries, the usufructuary may make the thinnings necessary to permit the remaining trees to develop properly.

With the exception of the provisions of the preceding paragraphs, the usufructuary cannot cut down trees unless it be to restore or improve any of the things in usufruct, and in this case, the owner shall previously have knowledge of the necessity for the work.

T I T L E VII.--SERVITUDES.

CHAPTER II.--Legal Servitudes.

Article Seventh.--Intermediate distances and works for certain constructions and plantings.

(3668) Sec. 598. Trees shall not be planted near another's tenement, except at the distance authorized by the ordinances or customs of the locality, and, in default thereof, at a distance of two meters from the dividing line of the tenements, if the planting is made of tall trees and at fifty centimeters if the planting is of shrubs or small trees.

Every owner has a right to demand that trees which may be planted in the future at a shorter distance from his property be uprooted.

(3669) Sec. 599. If the branches of any trees extend over a neighboring tenement, gardens or yards, the owner of the latter shall have the right to claim that they be cut off, in so far as they extend over his property, and if it be the roots of the neighboring trees that extend into the land of another person, the owner of the land into which they extend may cut them off within his property.

(3670) Sec. 600. Trees existing in a partly live hedge shall also be considered as party trees, and any of the owners has a right to demand that they be felled.

Trees serving as boundary marks are excepted, and may be uprooted by common consent of the owners of the adjoining tenements.

CHAPTER III.--Voluntary Servitudes.

(3680) Sec. 610. The owner of land encumbered by a servitude of pasturage may redeem it by paying the value thereof to those having the right thereto.

In default of any agreement, the amount of the said redemption shall be fixed upon the basis of four per cent of the annual value of the pasturage fixed by an expert appraisalment.

(3681) Sec. 611. The provisions contained in the preceding section are applicable to servitudes established for the use of firewood and other products of woodland which are private property.

B O O K F O U R T H

OBLIGATIONS AND CONTRACTS

T I T L E XVI.--OBLIGATIONS CONTRACTED WITHOUT AGREEMENT.

CHAPTER II.--Obligations which Arise from Fault or Negligence.

(4915) Sec. 1809. The owners shall be liable for the damages caused--

3. By the fall of trees, located in places of transit, when not caused by force majeure.

Liability for fall of trees.

FINAL PROVISIONS.

(4983) The Civil Code and all other laws or bodies of law which directly or indirectly are in conflict with the provisions of this revised Civil Code are repealed and left without force or effect, both as laws directly binding, and as supplementary law. This provision is not applicable to the laws which in the revised Code are to be continued in force.

Note.--For statement as to date of approval of this act, establishing the Revised Civil Code, see p. 37 of this compilation. Compiler, Forest Service.

CODE OF CIVIL PROCEDURE.

AN ACT To establish a Code of Civil Procedure
in Porto Rico.

Be it enacted by the Legislative
Assembly of Porto Rico:

PRELIMINARY PROVISIONS.

(4985) Sec. 1. This Code shall be known
as the Code of Civil Procedure of Porto Rico,
and whenever cited, enumerated, referred to,
or amended, may be designated
Title, designa- simply as the "Code of Civil
tion of. Procedure," adding when neces-
sary the number of the section

(4986) Sec. 2. When the violation of a
right admits of both a civil
Civil and crim- and criminal remedy, the right
inal remedies to prosecute the one is not
not merged. merged in the other.

COURTS OF JUSTICE.

TITLE XI.--ACTIONS IN PARTICULAR CASES.

CHAPTER I.--Actions for Nuisance, Waste,
and Wilful Trespass in Certain
Cases on Real Property.

(5315) Sec. 278. If a guardian, tenant, or
person holding by title jointly or in com-
mon with others, any real property, commit
waste on such property, any person
Waste, aggrieved by the waste may bring an
action action against him therefor, in which
for. action there may be judgment for treble
damages.

(5316) Sec. 279. Any person who cuts down
or carries off any wood or underwood, tree or
timber, or girdles, or otherwise injures any
tree or timber on the land of
Trespass for another person, or on the street
cutting trees, or highway in front of any
etc., actions person's house, village or city
for. lot, or cultivated grounds, or
on the commons or public ground
of or in any city or town, or on the street or
highway in front thereof, without lawful au-
thority, is liable to the owner of such land,
or to such city or town, for treble the amount
of damages which may be assessed therefor, in
a civil action, in any court having jurisdic-
tion.

(5317) Sec. 280. Nothing in the last
section authorizes the recovery of more than
the just value of the timber taken Exceptions
from uncultivated woodland, or for in certain
the repair of a public highway or cases.
bridge upon the land or adjoining it.

(5318) Sec. 281. If a person recover
damages for a forcible or unlawful entry in or
upon, or detention of, any build- Damages for
ing or any cultivated real prop- forcible en-
erty, judgment may be entered for try, etc., may
three times the amount at which be trebled.
the actual damages are assessed.

CHAPTER II.--Actions to Determine Conflicting
Claims to Real Property, and Other
Provisions Relating to Actions
Concerning Real Estate.

(5325) Sec. 288. The court may, by in-
junction, or good cause shown, restrain the
party in possession from do- Injunction dur-
ing any act to the injury of ing foreclosure
real property during the fore- or after sale
closure of a mortgage thereon; on execution.
or, after a sale on execution
before a conveyance.

(5326) Sec. 289. When real property has
been sold on execution, the purchaser thereof,
or any person who may have
succeeded to his interest, or Damages for in-
or any redemptioner, may, aft- jury to the pos-
er his estate becomes abso- session after sale.
lute, recover damages for in-
jury to the property by the tenant in posses-
sion after sale and before possession is deliv-
ered under the conveyance.

T I T L X IV.--OF SUMMARY PROCEEDINGS.

CHAPTER I.--Of Confession of Judgment
Without Action.

(5405) Sec. 361. All laws, royal decrees,
orders and military orders, acts, or parts of
acts, inconsistent or in conflict
with this Code, are hereby repealed. Repealing
clause.

(5406) Sec. 362. This Code shall take
effect from and after the first day of July,
1904. Effective,
when.

Approved,
March 10,
1904.

P E N A L C O D E

^aAN ACT To establish a Penal Code for Porto Rico.

Be it enacted by the Legislative Assembly of Porto Rico:

TITLE OF ACT.

(5407) Section 1. That this Act shall be known as the "Penal Code of Porto Rico."

T I T L E I I . -- OF CRIMES AND PENALTIES.

(5422) Sec. 16. Except in cases where a different punishment is prescribed by this Code every offense declared to be a misdemeanor is punishable by imprisonment in jail not exceeding two years, or by a fine not exceeding two hundred and fifty dollars, or by both.

T I T L E X I I I . --

*** **

CHAPTER VI. -- Violating Sepulture.

(5723) Section 281. Every person who wilfully and maliciously defaces, breaks, destroys, or removes * * * any ornamental plant, tree, or shrub, appertaining to the place of burial of a human being, * * * is guilty of a misdemeanor.

Removal or defacement of tomb, monument, grave-stone, etc.

CHAPTER XI. -- Crimes Against Other Classes of Property.

(5767) Section 319. Every person who cuts out, alters, or defaces any mark made upon any log, lumber, or wood, or cuts a false mark thereon with intent to prevent the owner from discovering its identity, is guilty of a misdemeanor.

Altering or defacing mark on log, lumber, etc.

T I T L E X I V . -- OF CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY.

(5791) Sec. 339. Every person who wilfully or negligently sets on fire, or causes or procures to be set on fire, any goods, grasses or shrubbery or other property on any lands, is guilty of a misdemeanor.

Setting fire to goods, grasses, etc.

^aSec approval of act (p. 42 of this compilation).

See also Joint Resolution No. 5, approved March 1, 1902 (p. 31 of this compilation). Compiler, Forest Service.

T I T L E X V I I . -- OF CRIMES AGAINST PROPERTY.

CHAPTER I. -- Arson.

(5859) Section 407. Every person who wilfully and maliciously burns * * * any growing or standing crop, grass or tree, * * * not the property of such person, is punishable by imprisonment in the penitentiary for not less than one nor more than ten years.

Burning of -- bridge, building or vessel, crops, grass, or tree, fence, etc.
Penalty for.

CHAPTER V. -- Larceny.

(5884) Section 432. Every person who shall convert any manner of real estate of the value of fifty dollars and upwards, into personal property, by severing the same from the realty of another, with felonious intent to and shall so steal, take, and carry away the same, shall be deemed guilty of grand larceny, and, upon conviction thereof, shall be punishable by imprisonment in the penitentiary for any term not less than one year nor more than fourteen years.

Every person who shall convert any manner of real estate, of the value of under fifty dollars, into personal property, by severing the same from the realty of another, with felonious intent to and shall so steal, take and carry away the same, shall be deemed guilty of petit larceny, and, upon conviction thereof, shall be punishable by imprisonment in jail for a period not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

(5889) Sec. 437. The provisions of this chapter apply also where the thing taken is any fixture or part of the realty, and is severed at the time of the taking, in the same manner as if the thing had been severed by another person at some previous time.

[Scope of chapter.]

CHAPTER XIII. -- Malicious Injuries to Railroad Bridges, Highways, Bridges, and Telegraphs.

(5964) Section 510. Every person who shall without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume, or reservoir, used for the purpose of holding, or conveying water for manufacturing, * * * or who shall, without like authority, raise, lower, or otherwise disturb any gate or other apparatus thereof used for the control or measurement of water, or who shall empty or place or caused [cause?] to be emptied or place [placed?] * * *

Taking water without authority.
Interfering with or obstructing canal.

into any such canal, ditch, flume or reservoir, any rubbish, filth, or obstruction to the free flow of the water, is guilty of a misdemeanor.

CHAPTER XIV.--Malicious Mischief.

(5965) Section 511. Every person who maliciously injures or destroys any real or personal property not his own, Injury or destruction of as are specified in this Code, real property is guilty of a misdemeanor.

(5966) Section 512. The specifications of the acts enumerated in the following sections of this chapter is not Specification of acts intended to restrict or qualify the interpretation of the preceding section.

(5971) Section 517. Every person who wilfully commits any trespass by either:
1. Cutting down, destroying, or Trespass injuring any kind of wood or timber standing or growing upon the lands of another, or upon public lands; or,
2. Carrying away any kind of wood or timber lying on such lands; * * *
6. * * * is guilty of a misdemeanor.

(5974) Section 520. Every person who either:
Removal of monument 1. Maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land, where a subaqueous telegraph cable lies;
or a place
ble lies;
* * *
Cutting or removing tree 3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks;
--is guilty of a misdemeanor.

(5976) Section 522. Every person who wilfully and maliciously cuts, breaks, injures, or destroys any * * * dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, * * * or to store or conduct water for agricultural or other purposes, * * * or any embankment necessary to the same, or either of them, or wilfully or maliciously makes or causes to be made, any aperture in such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same, * * * is guilty of a misdemeanor, and upon conviction punishable by a fine not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment in jail not exceeding two years, or by both.

(5980) Section 526. Any person or persons who shall moor * * * any raft * * * to any buoy or beacon placed in the water within the jurisdiction of Porto Rico by the authority of Porto Rico or the United States Light House Board, or shall in any manner hang on to the same with any * * * raft * * * shall for such offense be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction be punished by a fine not exceeding five thousand dollars or by imprisonment in jail not exceeding three years, or by both such fine and imprisonment in the discretion of the court.

The cost of repairing or replacing any such beacon, which may have been misplaced, damaged or destroyed, shall, when said cost shall have been legally ascertained, be a lien upon such raft. * * *

(5982) Section 528. Every person who intentionally defaces, obliterates, tears down, or destroys any copy or transcript, or extract from or of any law of the United States or Porto Rico, or any proclamation, advertisement, or notification set up at any place in Porto Rico, by authority of any law of the United States or of Porto Rico, or by order of any court, before the expiration of the time for which the same was to remain set up, is punishable by fine not less than twenty nor more than one hundred dollars, or by imprisonment in jail not more than one month.

(5985) Section 531. Every person, not the owner thereof, who wilfully injures, disfigures or destroys any monument, * * * within the limits of any village, or city or any shade tree or ornamental plant growing therein, whether situated upon private ground or on any street, sidewalk, or public park or place, is guilty of a misdemeanor.

Destruction of or injury to work of art or improvement.

T I T L E XX.--FINAL PROVISIONS.

(6011) Section 560. The Penal Code, Royal Decrees, Orders and Military Orders in force in Porto Rico, in so far as the same relate to or refer to crimes and are inconsistent or in conflict herewith, and all other laws, orders, decrees and acts inconsistent or in conflict with this Code, are hereby repealed.

This Code shall take effect at 12 o'clock noon on the 1st day of July, nineteen hundred and two.

Approved, March 1, 1902.

When Code goes into effect.

Decrees and orders inconsistent with Penal Code repealed.

^aC R I M I N A L P R O C E D U R E

- - - -

^bAN ACT To establish a Code of Criminal Procedure for Porto Rico.

Be it enacted by the Legislative Assembly of Porto Rico:

TITLE OF THE ACT

() Section 1. That this Act shall be known as the "Code of Criminal Procedure of Porto Rico."

* * * * * * * * * * * * * * * * * *

() That the Penal Procedure, Royal Decrees, Orders, and Military Orders in force in Porto Rico in so far as the same relate or refer to criminal procedure, and are inconsistent or in conflict herewith, and all other laws, orders, decrees and acts inconsistent with this Act, are hereby repealed.

This Act shall take effect at 12 o'clock noon on the first day of July, nineteen hundred and two.

Approved, March 1st, 1902.

^aThe Code of Criminal Procedure contains no specific provisions respecting forest, timber or tree matters. The repealing clause is, however, included in this compilation in order to show the wide sweep of the repeal as regards previous statutes, royal decrees and military orders. Compiler, Forest Service.

^bSee also Joint Resolution No. 5, approved March 1, 1902 (p. 31 of this compilation). Compiler, Forest Service.

A P P E N D I X

BY

FOREST SERVICE

- - -

ORGANIC ACT.

THE EXECUTIVE COUNCIL.

AN ACT Temporarily to Provide Revenue
and a Civil Government for Porto
Rico, and for Other Purposes.

Be it enacted by the Senate and House of
Representatives of the United States
of America in Congress assembled:

That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by treaty entered into on the tenth day of December, eighteen hundred and ninety-eight, and the name Porto Rico, as used in this act shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

GENERAL PROVISIONS.

Section 8.--That the laws and ordinances of Porto Rico now in force shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this Act shall take effect, and so far as the same are not inconsistent or in conflict with the statutory laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by Act of Congress of the United States: ***

Section 13. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government established by this Act to be administered for the benefit of the People of Porto Rico; and the legislative assembly hereby created shall have authority subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.

Section 14. That the statutory laws of the United States not locally inapplicable, except as hereinafter or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section threes, shall not have force and effect in Porto Rico.

Section 15. That the legislative authority hereinafter provided shall have powers by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act, as it may from time to time see fit.

Section 18. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Porto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with five other persons of good repute, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Porto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council.

Section 24. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require, which shall annually be transmitted to Congress.

Section 25. That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

HOUSE OF DELEGATES.

Section 27. That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one of the executive council, as hereinafter constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters as hereinafter provided; and the two houses thus constituted shall be designated "The legislative assembly of Porto Rico."

THE JUDICIARY.

Section 38. That no export duties shall be levied or collected on exports from Porto Rico; but taxes and assessments on property and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; * * * * *

Section 41. That this Act shall take effect and be in force from and after the first day of May, nineteen hundred.

Approved, April 12, 1900.

60TH CONGRESS] [DOCUMENT
2D SESSION.] HOUSE OF REPRESENTATIVES [No. 1484.

L A W S, O R D I N A N C E S, D E C R E E S,

A N D M I L I T A R Y O R D E R S H A V I N G T H E

F O R C E O F L A W,

E F F E C T I V E I N P O R T O R I C O,

M A Y 1, 1 9 0 0.

- - - -

L E T T E R F R O M T H E S E C R E T A R Y O F W A R
T R A N S M I T T I N G, I N R E S P O N S E T O T H E
I N Q U I R Y O F T H E H O U S E O F R E P R E S E N T -
A T I V E S, L A W S A N D O R D I N A N C E S O F
A N D M I L I T A R Y O R D E R S A N D D E C R E E S
A F F E C T I N G P O R T O R I C O.

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P A R T S 1, 2, 3, 4.

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FEBRUARY 26, 1909.--REFERRED TO THE
COMMITTEE ON INSULAR AFFAIRS AND ORDERED
TO BE PRINTED.

- - - - -

P A R T I.

- - - -

Note Concerning Part I.

Part I contains the Civil Code and Code of Civil Procedure which were in force in Porto Rico May 1, 1900. Since those Codes have been superseded by the similar Codes now in effect, nothing has been compiled from Part I.

Compiler, Forest Service.

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P A R T I I.

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Note Concerning Part II.

Part 2 contains the following Codes, Laws, and Regulations which were in force in Porto Rico May 1, 1900:

The Penal Code, Law of Criminal Procedure, Code of Commerce, Mortgage Law, and Regulations for Execution of Mortgage Law.

Since the Penal Code and the Law of Criminal Procedure have been superseded by the similar Codes now in effect, nothing has been compiled from them.

The Code of Commerce contains nothing on the subjects covered by this compilation.

The following extracts from the Mortgage Law and Regulations thereunder remain in force.

Compiler, Forest Service.

- - - -

[In effect.
See Note on
p. 48 here-
of.]

**MORTGAGE LAW FOR CUBA, PORTO
RIOO, AND THE PHILIPPINE
ISLANDS.**

TO THE CORTES.

The mortgage law, which has been in force in the Peninsula for the past thirty years, was applied to the Antilles, with such changes as were indispensable for its adaptation to those islands, on May 1, 1880, and to the Philippine Islands on December 1, 1889, reforming the laws regarding real property in those countries, and consequently giving a new impetus to land securities. Although this work is not without its imperfections, being human, the mortgage law must be looked upon as one of our most important legal works, and all that is fundamental therein, and even that which appears of less value, should be religiously respected as long as the results of experience and the necessity of reconciling it with the other legal measures in force permit the observance. This has been the rule adhered to by the Government in the preparation of the revision herewith submitted to the Cortes.

.....
In accordance with these remarks, with the authority of His Majesty, and with the approval of the Council of Ministers, the undersigned has the honor to submit for the approval of the Cortes the following

Proposed Law.

Article first and last. The Government is hereby authorized to put into effect the law submitted by the Colonial Minister, with the approval of the Committee on Codes, amending the mortgage law for Cuba, Porto Rico, and the Philippines.

Madrid, May 26, 1893.

The Colonial Minister.

ANTONIO MAURA Y. MONTANER.

[In effect. See **MORTGAGE LAW**
Note on p. 48 **FOR THE COLONIES.**
hereof.]

*** T I T L E II.--RECORD, ITS METHOD AND ITS
EFFECTS.**

^bArt. 8. Each estate which is recorded for the first time in the Registries shall be marked with a distinct and correlative number.

The records corresponding to each estate shall be marked by another correlative and special numeration.

^aSee Title II of Regulations for Execution of Mortgage Law (p. 50 of this compilation). Compiler, Forest Service.

^bSee Art. 61 of Regulations for Execution of Mortgage Law (p. 50 of this compilation). Compiler, Forest Service.

*** T I T L E V.--MORTGAGES.**

Section 1.--Mortgages in General.

Art. 105. A mortgage, directly and primarily, subjects the property on which it is imposed, no matter who may be its owner, to the fulfillment of the obligation for the security of which it was constituted.

Art. 106. The following only are mortgageable:

1. Real property.
2. Property rights in the realty, alienable in accordance with the laws.

Art. 107. The following are mortgageable, but with such restrictions as are herein after expressed:

-
5. Surface, pasture, water, timber, and other similar property rights, provided the interests of other owners in common of the property are reserved.
-

Art. 110. A mortgage extends to natural increase, growing crops,

Art. 111. In accordance with the provisions of the preceding article, the following shall be considered mortgaged together with the estate, provided they belong to the owner of the estate, although they are not mentioned in the contract:

-
2. Improvements consisting of new plantings,
 3. Crops, which at the time the obligation falls due, are growing on the trees and plants, or have already been harvested, but not yet removed or warehoused.
-

^b5. Indemnities awarded or due the owner of the mortgaged realty, either for the insurance thereof or for the crops, provided the damage occurred after the creation of the mortgage, or on account of condemnation of the land by the right of eminent domain.

FINAL PROVISIONS.

Art. 413. All provisions regarding mortgages are hereby repealed. Any provisions which conflict with those of this law are also hereby repealed. None of the articles composing this law can be repealed, except by virtue of another special law, and the appropriation law can never be considered a special law for this purpose.

.....

Madrid, July 14, 1893.

The Minister for the Colonies:

ANTONIO MAURA Y. MONTANER.

^aSee Regulations for Execution of Mortgage Law, Title V. (p. 50 of this compilation). Compiler, Forest Service.

^bSee Article 161 of Regulations for Execution of Mortgage Law (p. 50 of this compilation). Compiler, Forest Service.

[In effect. GENERAL REGULATIONS FOR THE EX-
See Note on ECUTION OF THE MORTGAGE LAW FOR
p. 48 hereof] CUBA, PORTO RICO, AND THE PHIL-
IPPINE ISLANDS.

**A T T L E II.--RECORD - ITS METHOD AND ITS
EFFECTS.**

Art. 61. The following shall be recorded
under one number only, should the interested
parties so request, being considered as a sin-
gle estate in accordance with Article 8 of
the law, and for the effects mentioned therein.

First. Rural property known as estates,
* * * which form dependent or joined property,
with one or more buildings and one or several
pieces of ground, wooded or not wooded, even
if the latter are not contiguous to each other,
nor to the building, provided they belong to
the same series of estates and to one person
only, or to several pro indiviso, or even when
they are subject to the same incumbrances or
property rights belonging to one or more per-
sons, and composed of different lots or parts
given in emphyteusis. * * * * *

Fourth. * * * * *
When the property right or incumbrance
which affects all of the estates united, re-
ferred to in No. 1, should be divided into
fractions, and the estates incumbered by
each part are determined, the latter may be
recorded apart from the others, and under a
separate number, although all those which are
affected by part of the incumbrance constitute
one among themselves.

Art. 72. * * * But other buildings
and constructions, such as orchards, gardens,
forests, plantings, and any other rural or city
property, and property rights arising out of
railroads, canals, and other public works which
are the private property of the grantee com-
panies, must be recorded specially and separate-
ly in the proper Registry, with the details and
conditions required by law and by these regula-
tions.

A T T L E V.--MORTGAGES.

Section One.--Mortgages in General.

Art. 161. As, according to ^bnumber 5 of
Article 111 of the law, there are considered as
mortgaged the indemnities allowed or due the
owner of the mortgaged property for the insur-
ance of the latter or of the crops, or on ac-
count of the condemnation of the * * * wood-
lands or other things situated on the same, if
said indemnities are paid before the mortgage
falls due, their amount shall be deposited in
the manner agreed to between the persons inter-
ested; and should they not come to an agreement,
in the public institution designated by the judge
of court, until the obligation is canceled.

Approved by His Majesty,
Madrid, July 18, 1893.

ANTONIO MAURA.

^aSee Mortgage Law, Title II (p. 49 of
this compilation). Compiler, Forest Service.

^bSee p. 49 of this compilation. Compiler,
Forest Service.

^aSee Mortgage Law, Title V (p. 49 of this
compilation). Compiler, Forest Service.

^bSee p. 49 of this compilation. Compiler,
Forest Service.

P A R T I I I.

- - - -

COLLECTION OF LAWS REFERRING TO
PUBLIC WORKS IN PORTO RICO

- - - -

(1896)

- - - -

WAR DEPARTMENT.

DIVISION OF CUSTOMS AND INSULAR AFFAIRS

1899

- - - -

Note Concerning Part 3.--Part 3 contains a number of laws, regulations, etc., which are no longer in force, among them being certain laws and regulations relating to Public Works.

It also embraces the Law of Railroads, with Regulations, and the Police Law of Railroads, with Regulations, both of which laws remain in effect. Only the Police Law of Railroads, with Regulations thereunder, contains, however, anything bearing on the subjects covered by this compilation.

Compiler, Forest Service.

[Not in force.] GENERAL LAW OF PUBLIC WORKS
FOR THE ISLAND OF PORTO RICO.

*REGULATIONS FOR THE PAYMENT OF FEES TO THE
TECHNICAL PERSONNEL OF PUBLIC WORKS, MINES,
FORESTS, AND TELEGRAPHS OF THE ISLAND OF
PORTO RICO.

Explanatory Note.--While the regulations
referred to in the above heading are no
longer in force (see Title XI of Political
Code, Sec. 427, p. 36 of this compilation),
yet certain extracts therefrom may be of
interest to the Forest Service, as indicating
that at the date of issuance, in the year 1879,
Spain had already made provision, as regards
Porto Rico, for "Inspections of Forests for
the formation of plans for their use." The
extracts follow. Compiler, Forest Service.

[Not in force.] CHAPTER I.--AMOUNT OF
See Explanatory Note above.] THE FEES.

In the Service of the State.

Article 1. The technical officials in the
service of the State in the branches of
Public Works, Mines, Forests, and Telegraphs
of the Island of Porto Rico shall earn, as a
reimbursement for the expenses which may be
occasioned them by the duties of their office
away from their ordinary residence, the fees
which, for each class into which this service
may be divided, are fixed for this purpose by
the present Regulations, subject to the rules
therein established.

Art. 2. For the purposes of the present
Regulations the service shall be classified
as:

Ordinary service.
Extraordinary service.

Ordinary service shall include:

.....
In Forests: Inspections of forests
for the formation of
plans for their use.
.....

Extraordinary service shall include:

.....
In Forests: Projects, inspections,
and construction of new
lines.
.....

^a See Part 3 of Laws, Ordinances, Decrees,
Etc., Effective May 1, 1900, p. 1621. Com-
piler, Forest Service.

Art. 3. For the collection of the fees
fixed by these Regulations by the officials
referred to, the latter shall be considered
classified in five categories.

There shall belong to the first cate-
gory:

In Public Works, Mines, and Forests:
The Chief Engineers of the first and second
classes.

There shall belong to the second cate-
gory:

In Public Works, Mines, and Forests:
First and second Engineers.
.....

There shall belong to the third cate-
gory:

In Public Works, Mines, and Forests:
The first and second Assistants.
.....

There shall belong to the fourth cate-
gory:

In Public Works and Forests: The third
and fourth Assistants.
.....

Services of Corporations and
Individuals.

Art. 11. The members of the expert per-
sonnel of Public Works, Mines, Forests, and
Telegraphs who shall pass to the exclusive serv-
ice of Corporations or individuals, shall re-
ceive from either the salary and the fees estab-
lished by the existing provisions, if there
should be any, when there shall be no mutual
agreement made therefor.

CHAPTER III.--GENERAL PROVISIONS.

Art. 18. All officers of the branches
of Public Works, Mines, Forests, and Telegraphs
shall keep a diary of operations, in which shall
appear the days employed and the visits or any
other works which they may execute, observations
which they may have made, orders which they may
have given, and whatever circumstances are worthy
of being noted.

The diary of operations of all the offi-
cers shall be inspected by their immediate Chiefs,
who shall state on the first page the number of
folios contained in the book, and shall rubri-
cate each one of the pages.

All officials during their visits shall
note in the diaries of their subordinates the
orders and instructions communicated to them,
stating in default thereof their agreement with
the remarks and notes contained in the diary.

Art. 19. Every officer of those included
in the present Regulations is obliged to report
to his immediate Chief when he leaves for visits
of ordinary service, as well as when he returns.

In extraordinary service they shall also
periodically make a report of the progress of
the works in their charge.
.....

Madrid, November 19, 1879.
Approved by His Majesty.

ALBACETE.

[In effect. POLICE LAW OF RAILROADS
Sec Note OF PORTO RICO.
on p. 51.]

[Promulgated in the Island on
the 17th of February, 1888.]

T I T L E I.--REGULATIONS APPLICABLE TO
PORTO RICO FOR THE PRESER-
VATION OF PUBLIC ROADS.

Article 1. The Laws and Regulations of the Administration as to highways are applicable to--

2. The rights (servitudes) for the preservation of the roads charged on the adjoining cultivated lands.

3. The servitudes on these same lands as to * * * planting, pruning of trees, * * * The zone to which these rights extend is 20 meters on each side of the railroad.
* * * * *

T I T L E II.--REGULATIONS FOR THE PRES-
ERVATION OF ROADS WHICH
REFER ESPECIALLY TO RAIL-
ROADS.

Art. 4. Within the zone indicated in paragraph 3 of Article 1, no buildings may be constructed, covered with thatch or other combustible materials, when the railroad is operated by means of locomotives.

Art. 7. The Governor of the Province may authorize, after hearing the Engineers of the Government and of the Companies, the deposit of unflammable materials; but the authorization shall be revokable at his will. The Governor may not authorize deposits of inflammable materials.

T I T L E V.--TRANSGRESSIONS AND CRIMES
AGAINST THE SAFETY AND PRES-
ERVATION OF RAILROADS.

Art. 21. Whosoever through ignorance, imprudence, or by reason of negligence or failure to comply with the Laws and Regulations causes the Railroad or its dependencies some damage which may injure persons or property, shall be punished according to Article 592 of the Penal Code of Porto Rico, by reason of gross negligence.

Art. 24. Those who violate the Regulations included in Titles 1 and 2 of this law, * * * shall be punished with a fine of 6 to 60 pesos, according to the gravity and circumstances of the case and its perpetrator. If according to the Penal Code, they have incurred a graver penalty, only the latter shall be imposed. In case of recurrence of the crime, the fine shall be from 12 to 120 pesos.

Art. 25. Those not paying the fine imposed upon them shall be liable to execution against the person, according to the provisions of Article 49 of the Penal Code of Porto Rico.

Art. 26. Without prejudice to the penalties stated in the preceding articles, those who shall have infringed the Regulations of this Law, shall * * * take away the deposits of inflammable material or of any other kind which may have been made, and repair the damages occasioned in the Railroads. The Mayors shall fix a time for the performance, after hearing the representatives of the Administration of the Railroad, or the Company itself. If within the time fixed this shall not be done, the Government shall do it at the expense of the party who shall have disobeyed. In this case the collection of the expenses shall be made in the same manner as that of the taxes.
* * * * *

T I T L E VI.--PROCEDURE.

Art. 27. Those who shall commit crimes punishable under this law shall be tried in the ordinary way, whatever be their right to other trial.

Art. 28. Those who shall have only incurred a fine, shall be excepted from the provisions of the preceding article. * * * * *

* * * * *

Approved by the Royal
Decree of this date.

BALAGUER.

Madrid, July 13, 1888.

^a Spanish Penal Code. See "Laws, Ordinances, Decrees, Etc., Effective May 1, 1900," Part 2, p. 718 thereof. Compiler, Forest Service.

^a Spanish Penal Code, See "Laws, Ordinances, Decrees, Etc., Effective May 1, 1900," Part 2, p. 637 thereof. Compiler, Forest Service.

Art. 10. Whoever wilfully or by omission or negligence, shall damage or destroy, with his cattle or vehicles, the works or dependencies of the Railroads, * * * shall incur the penalty stated in ^aArticle 21 of the Law.

This Article is also applicable to those who, without proper authority, shall cut or destroy trees planted in the zone fixed in Article 4 on each side of the Railroad.

Art. 11. Nobody, without previous authorization, within the zone of 20 meters, measured in the manner stated in Article 4, shall construct dams or works, open canals for taking or leading waters, erect buildings, walls, culverts or other works.

This zone of 20 meters shall be measured at the stations from the inclosure or boundary which limits the land belonging to the station.

CHAPTER IV.--Material Employed In the Service.

Art. 33. The locomotives shall always be
 fitted with all the necessary apparatus to
 prevent all danger from fire, and shall never be
 run until after examination by the technical in-
 spection. * * * * *

CHAPTER X.--Miscellaneous Provisions.

Art. 188. The offenses against these Regulations, the decisions of the Government, and those adopted by the Governor General with the approval of the Government or by virtue of his authority, referring to Railroads and their best service and police, shall be punished according to ^aTitle 5 of the Railroad Police Law.

BALAGUER.

— — — —

^aSee p. 53 of this compilation. Compiler, Forest Service.

P A R T I V.

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M I L I T A R Y O R D E R S A N D C I R C U L A R S

- - -

Note Concerning Part 4.

Part 4 contains a number of Military Orders which were in force on May 1, 1900.

As far as concerns, however, subjects covered by this compilation, provisions in only two of said Orders remain in effect (and are, in consequence, included in this compilation), viz: General Orders, No. 195, Series of 1899, and General Orders No. 72, Series of 1900 (p. 56 hereof).

Certain of the Orders which are no longer in force are also included, in part, merely for their historical value, in connection with the matter of taxing forest lands. (See pp. 57-59 hereof).

Compiler, Forest Service.

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[In effect.
See Note
on p. 55.]

GENERAL ORDERS }
No. 195.

Hdqrs. Department of Porto Rico,
San Juan, November 29, 1899.

I. On and after December 20, 1899, there shall be in each city and town of this island, where there now exists a municipal tribunal, a police court, which shall have jurisdiction over the following-described persons and offenses:

1. Those persons who shall * * * cause any damage whatever to * * * trees, although the damaged objects may belong to private persons, if the damage does not constitute a crime. * * * * *

XIII. All municipal police officials will be furnished with a copy of this order, and are hereby charged with the strictest observance of its provisions.

By command of Brigadier-General Davis:

W. P. HALL, Adjutant-General.

- - - -

[In effect.
See Note
on p. 55.]

GENERAL ORDERS }
No. 72.

Hdqrs. Department of Porto Rico,
San Juan, April 3, 1900.

The provisions of General Orders, No. 195, series of 1899, these headquarters, * * * establishing and defining the jurisdiction of Police courts, are extended to the island of Culebra. The delegate in charge of that island is constituted a police court, and is authorized to appoint a secretary.

By Command of Brigadier-General Davis:

W. P. HALL, Adjutant-General.

*This jurisdiction of the police courts has been conferred by subsequent acts upon the municipal courts and courts of justices of the peace. See act of March 10, 1904, "Reorganization of Judiciary," p. 243 of Compilation of the Revised Statutes and Codes of Porto Rico, 1911. Compiler, Forest Service.

[TAXATION OF FOREST LANDS.]

Explanatory Note.--Portions of certain Military Orders which are no longer in force, having been repealed, in effect, by (2937) Sec. 285, and (3092) Sec. 385, Political Code (pp. 33, 34 of this compilation), may nevertheless, be of some value historically, in consequence of their constituting an early move on the part of the United States in the direction of taxing forest lands in Porto Rico. The portions of the Orders referred to follow. Compiler, Forest Service.

[Not in force. ----
See Explanatory
Note above.]

GENERAL ORDERS) Hdqrs. Department of Porto Rico,
No. 12.) San Juan, November 12, 1898.

I. With the exception of such taxes as have been expressly abolished by the major-general commanding the department, all imposts established in this island by the Spanish Government, and especially the territorial tax levied on rural and town property, on cultivation and cattle growing, and on industry and commerce, shall continue in force as heretofore until otherwise determined, as also the regulations issued for their assessment and collection.

II. The secretary of finance and other officials and agents charged with the collection of said taxes shall proceed at once with the greatest diligence to collect them, instituting the necessary proceedings for the collection of those due or in arrears from last year; these funds being absolutely needed to defray the manifold expenses of the civil administration, which is now under military direction.

By command of Major-General Brooke:
M.V. SHERIDAN,
Brigadier-General, U.S. Volunteers, Chief of Staff.

[Not in force.
See Explanatory
Note above.]

GENERAL ORDERS) Hdqrs. Department of Porto Rico,
No. 6.) San Juan, January 19, 1899.

In order to remedy the evils due to unjust apportionments, the following are the orders concerning the taxation of lands on this island; any variation from this order, or excess in taxation under it, will, upon being reported to these headquarters, result in the punishment of the offending parties:

1. The assessment of taxes upon lands will hereafter be made in accordance with the various cultivations existing in the island and the quality of the land taxed.

2. In accordance with the various cultivations there will be taxes on cane lands, coffee lands, tobacco lands, pasture lands, minor produce lands, and forest lands.

3. In accordance with the quality of the land there will be taxes of the first, second, and third classes--the first class comprising the best lands, the second class the next best, and the third class the poorest

4. On all lands of the first class there will be a tax of 1 peso per cuerda (acre); on all lands of the second class a tax of 0.50 per cuerda; on all lands of the third class, a tax of 0.25 peso per cuerda.

5. Each municipal corporation will appoint a classifying commission which will select sub-commissions in the different districts of each township, these sub-commissions to report to the classifying commission on the class of lands in their respective districts.

6. These commissions will be guided by the following instructions:

(b) First-class coffee lands are valley lands and hills abounding in organic detritus.

(b1) Second-class coffee lands are high-lands having a calcareous or limy formation.

(f) First-class forest lands are those growing virgin forests whose timber can supply building and cabinet woods--e.g., "acitillo," cedar, "capa," "ausubo," etc.

(f1) Second-class forest lands are lands with a rocky and calcareous soil growing only bushes available for fuel.

7. Taxes on lands whose owners reside abroad will be increased by 50 per cent.

8. All ordinances or decrees conflicting with the provisions of this order are hereby revoked and rendered null and void.

By command of Major-General Henry:

FRANK MCINTYRE,
First Lieutenant, Nineteenth Infantry,
Acting Assistant Adjutant-General.

[Not in force.
See Explanatory
Note above.]

[Official Gazette, No. 58, Mar. 9, 1899.]

HEADQUARTERS, DEPARTMENT OF PORTO RICO,
OFFICE OF THE SECRETARY OF FINANCE.

[Translation.]

Maj. Gen. Guy V. Henry, commanding the department, on the recommendation of the undersigned secretary, has been pleased to approve the following: Handbook for the Guidance of Town Commissioners, Ward Subcommissions and Municipal Councils of the Island of Porto Rico, in the classification of lands and the imposition

of the territorial tax^a which by his superior orders is made public for general information.

San Juan, March 4, 1899.

CAYETANO COLL Y. TOSTE,
Secretary of Finance

[Not in force.
See Explanatory
Note on p. 57.]

[HANDBOOK.]

... ..

VI. RULES AND REMARKS.

First. In general, river plains are rated in this island as first class; those of less low meadows as second class; and highlands as third class; but this involves some exceptions, as there are rather high meadows that belong to the first class for sugar cane and tobacco, and bottom lands on the banks of rivers, that, being too low or too gravelly, are of the second class for the same cultivation, from their exposure to be overflowed, or to drought on account of the gravelly land. It may serve as a guide for classifiers to rate also as first class the best and most productive ones; as second class those that are middling or less fruitful; and as third class the worst or inferior ones.

Second. Tracts of lands obtained by draining lagoons, mangrove marshes, fens, and swamps shall enjoy exemption from paying any tax during the first three years; if they are appropriated for pasture; during five years, if dedicated for sugar cane or tobacco; and during eight years if they are applied to coffee, cacao, or cocoa plantations. The landowner has to prove, before the classifying commission and subcommission, that he has drained these lands; and the documents attesting the facts shall be formed into a record of proceedings, and be referred to the secretary of finance.

Third. Woodlands in which coffee is planted for the first time shall pay no tax during the first five years, as coffee trees need that time for their full development.

Fourth. The owner of a country estate having no drinkable water in his property, except rain-water collected in pools, if he builds hereafter a good artesian well, and proves, before the classifying commission, that he has spent in it more than 200 pesos, he shall be remitted 10 per cent of the tax laid. If he should employ over 500 pesos, the rebate shall amount to 20 per cent.

Fifth. Lands covered with water and yet to be drained shall pay for the first year only 1 cent per cuerda; the second year, 2 cents; the third year, 5 cents; the fourth year, 10 cents; the fifth year, 20 cents; and this tax shall continue to pay, even though they should produce nothing, as a punishment of their owners' negligence.

Sixth. Proprietors of sandy coast lands who may hereafter justify before the classifying commission to have planted over 10,000 cocoa trees, in their estates shall have the cuerdas of land appropriated for cocoa plantation free of tax during six years.

Seventh. Virgin forest lands, rated first class on account of the quality of their timber, if there be no parish roads near for conveying that timber, consequently proving unproductive by reason of the said lack of roads, shall, as long as such condition exists, pay only 5 cents per cuerda as a yearly tax. This taxation will serve as an incentive for setting apart some portion of them, independently of the growth of building and cabinet woods, for coffee plantations and other cultivations.

Eighth. Naturally sterile lands, as calcareous cliffs, stony hills, pebbly banks, tracts of sand and coast downs, and the like, without any profitable vegetation and unavailable for productive husbandry, shall be discarded from the territorial tax by the classifying commissions and subcommissions.

Ninth. Highlands solely applied to pasturing, should they produce chiefly dog grass, shall pay only 10 cents per cuerda; and if they are still inferior to these 5 cents per cuerda.

Tenth. Lands adjoining villas and appropriated for flower gardens, parks, kitchen gardens, orchards, and, in general, for the gratification and ostentation of their owners shall pay, in case that they should spread over more than 1,000 square meters, 2 cents a year for every square meter that shall lie beyond that extent.

Eleventh. Mines and quarries shall be considered as first-class lands, if they are being worked; if they are not, they shall be rated as third class.

Twelfth. Poor peasants who own second and third class lands, from one-fourth of a cuerda up to 25 cuerdas, shall pay no tax for them if such plots are appropriated for kitchen gardening, fruit gardening, and other cultivation; but the tax shall be levied thereon if the subcommission of the ward verifies that the said plots are completely abandoned and without any tillage.

^aCompiler's Note. [War Department.]--
The preface to this handbook and Articles I-IV comprise a statement of the purpose of the tax, a description of the different classes of lands, and an explanation of the manner of analyzing the various soils, a comparison of the adaptabilities of the latter to agricultural purposes, etc. These chapters are for the instruction and assistance of those connected with the enforcement of the tax, but do not form a part of the law proper. They are therefore not reproduced here. Article V simply republishes General Orders, No. 6, 1899, Headquarters Department of Porto Rico [p. 57 of this compilation], together with a note drawing attention to the way in which the tax favors the owners of cultivated lands as opposed to owners who permit their lands to lie idle; so it is not printed. The blank forms for use of owners, classifying commissions, and town councils, are also omitted. The handbook has been published and widely distributed. It was printed in the Gazette in both languages, but was prepared in Spanish. . . .

[Not in force.

See Explanatory

Note on p. 57.]

VII.--THE COMMISSIONS.

First. The municipal councils shall appoint the commissions and subcommissions.
.....

Seventh. Preceding the assessment of the territorial tax, an investigation of the rural estates shall take place in each ward; every proprietor, manager, trustee, or lessee being required to submit a sworn schedule (planilla) or statement that shall be attested by the subcommission.

Eighth. In this schedule the estate shall be set down according to the blank form; the particular name, if any, of the rural property; the municipal district; the ward wherein the estate lies; the area of the ground in cuerdas; the classes of the lands, whether first, second or third, and those that are unproductive and sterile, being indicated; how many cuerdas are appropriated for a definite cultivation; the annuities, mortgages, and all sorte of liabilities that weigh upon the rural property, and its sale value.
.....

Twenty-sixth. The tax shall be paid quarterly in advance, and the fiscal year shall begin on July 1 and end on June 30.

Twenty-seventh. This territorial tax is the sole and exclusive one that shall be imposed on land owners. One half of it shall be for the benefit of the central treasury and

the other half for the benefit of the municipality; these halves being paid, respectively at the offices of the collectors of internal revenues, and at the treasuries of municipal councils.

Twenty-eighth. Payment of the tax shall be exacted from the proprietor of each rural estate. If the proprietor shall be away from the island, the trustee or the lessee shall answer for the tax, it being understood that at all times the land is responsible to the insular treasury and to the municipality for the tax, the collection of the territorial tax not being subject to interruption on any account.

Thirtieth. Taxpayers who, through hurricanes, floods, or other extraordinary calamities may have suffered considerable damage in their estates, may apply for the remission of part of their tax, which abatement shall be proportionate to the importance of the loss; previously submitting to the institution of investigation proceedings wherein shall appear the reports of the respective commission, subcommission and municipal council; whereupon the secretary of finance shall decide.
.....

San Juan, P.R.,
March 4, 1899.

CAYETANO COLL Y. TOSTE,
Secretary of Finance.

REVISED STATUTES AND CODES
OF PORTO RICO 1902

Explanatory Note.

The two following acts, embraced in Sections 50-53, and Sections 824-828 of the Revised Statutes (contained in "Revised Statutes and Codes of Porto Rico, 1902"), are omitted from the "Compilation of the Revised Statutes and Codes of Porto Rico, 1911," made by the Bureau of Insular Affairs, War Department, for the reason that the provisions therein for appropriations do not constitute legislation of a permanent nature.

The general provisions of the two acts appear, however, to cover matters of sufficient interest to the Forest Service to render it advisable to include both of the acts in the appendix to this compilation. The acts follow accordingly. Compiler, Forest Service.

-- -- --
"AN ACT

To Authorize and Provide for the Purchase or Acquisition of land for the Use of the United States Agricultural Experiment Station.

Be it enacted by the Legislative Assembly of Porto Rico:

Section 1.--(50)--That the Governor is hereby authorized and empowered to secure by purchase or otherwise a suitable tract or parcel of land in the Island of Porto Rico for the location thereon of the Agricultural Experiment Station of the United States, for which annual appropriations are now provided and may be hereafter provided by the Congress of the United States, and to this end the several municipal districts of the island shall be invited to submit proposals to the Commissioner of the Interior for the sale or donation of such land, which shall be approximately eighty hectares in area.

Section 2.--(51)--The Governor, with the approval of the agent of the Agricultural Department of the United States resident in Porto Rico, shall select the tract or parcel of land for the purposes aforementioned, giving preference to the most favorable proposal which may be submitted, taking into consideration the locality, accessibility and the general needs and purposes of the Agricultural Experiment Station to be located thereon. The title to the land so acquired shall be in the People of Porto Rico for the exclusive use of the said Agricultural Experiment Station so long as the same shall be maintained thereon by the United States and annual appropriations therefor provided by the Congress of the United States. No payment for the land so acquired shall be made until the Attorney General shall have certified to a clear and unencumbered title thereto in the People of Porto Rico.

Section 3.--(52)--And to carry into effect the purpose of this Act the sum of fifteen thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated, to be immediately available,

and to be expended under the direction of the Commissioner of the Interior, with the approval of the Governor.

Section 4.--(53)--This Act shall be in force and effect from and after its passage. Approved, February 27, 1902.

-- -- --
"AN ACT

Authorizing the Governor to Cooperate with the Director of the United States Geological Survey in making a Topographic Survey and Map of Porto Rico and making an Appropriation Therefor.

Be it enacted by the Legislative Assembly of Porto Rico:

Section 1.--(824)--That in order to effect the execution and speedy completion of a topographic survey and map of Porto Rico, the Governor is hereby authorized to confer with the Director of the United States Geological Survey and to accept the cooperation of the United States with Porto Rico in the execution of a topographic survey and map of Porto Rico, which is hereby authorized to be made; and that said Governor shall have the power to arrange with said Director or other authorized representative of the United States Geological Survey, concerning the details of said work, the method of its execution and the order in point of time, in which these surveys and maps of different parts of Porto Rico shall be completed; Provided, that the said Director of the United States Geological Survey shall agree to expend on the part of the United States upon said work, a sum equal to that hereby appropriated for this purpose. In arranging details heretofore referred to the Governor shall in addition to such other provisions as he may deem wise require that a geological survey and an investigation of the mineral and water resources in accordance with the most approved methods be made also by the United States Geological Survey, and that the maps made shall show the outlines of all municipal districts, town and extensive wooded areas, as existing on the ground at the time of the execution of the survey, the location of all roads, streams, lagoons and rivers, and shall contain contour lines showing the elevation and depression of every twenty feet in vertical interval of the surface of the country; that as each manuscript sheet of the map is completed, the Governor shall be furnished by the United States Geological Survey with photographic copies of the same, and as the engraving on each sheet is completed the Governor shall be furnished by said Director with transfers from the copper plates of the same.

Section 2.--(825)--That the sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated for the purposes specified in this Act out of any moneys in the treasury not otherwise appropriated, to be paid by the Treasury upon the warrant of the Auditor pursuant to the direction of the Governor.

Section 3.--(826)--That this Act shall take effect from and after its passage.

Approved, March 1, 1902.

T H E
A C T S A N D R E S O L U T I O N S
O F T H E F I R S T S E S S I O N O F T H E
S I X T H L E G I S L A T I V E A S S E M B L Y
O F P O R T O R I C O

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JANUARY 9, TO MARCH 9,
1 9 1 1

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[J. R. No. 7.]

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JOINT RESOLUTION

For the Study of the Plan of Reforestation of Certain
Lands.

W H E R E A S an extensive tract of land, the more advantageous production of which can only be obtained through the cultivation of its forests, has now been razed to the ground and this action resulting detrimental to the Government and regularity of the waters, as well as to the fertility of the soil and to the island's health

T H E R E F O R E, Be it enacted by the Legislative Assembly of Porto Rico:

Section 1.--To pray the Honorable Secretary of the Department of Agriculture of the United States to commission and send to Porto Rico a forestry expert that he may study and lay plans as to the more practical and efficient way of carrying out the reforestation of the island, submitting a report thereof to the Governor of Porto Rico who will communicate the same to the Legislative Assembly of Porto Rico.

Section 2.--This resolution will take effect upon its approval.
Approved, March 9, 1911.

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SPANISH LAWS, 1513-1596, AFFECTING THE INDIES.

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Note.--The following translation of certain Spanish laws, dating from June 18, 1513, to May 25, 1596, are of considerable historical value, as the laws constitute probably the earliest attempts at establishing what might be termed a homestead system in connection with lands which now form a part of the United States; and, also, for the further reason that their provisions for the distribution of lands to settlers contemplated the planting of trees.

It is especially interesting to note that the earliest of these laws followed the Discovery of America in the short space of about twenty years, and that, in its proposal to grant settlers free titles to small holdings of land, upon compliance with its requirements respecting residence and cultivation, it foreshadowed the leading features of our National Homestead Law, which was not enacted until more than three centuries later. These facts make it an interesting landmark in the history of our public land system.

Compiler, Forest Service.

LAW II.

[Translation.]

A COMPILATION OF THE LAWS OF THE INDIAS.

BOOK FOURTH.
TITLE TWELFTH.

Law First.

D. Fernando V in Valladolid on June 16 and August 9, 1513, chap. 1, Emperor Charles on June 26, 1523, and in Toledo on May 19, 1525, Philip II in chap. on Instruction in Toledo on May 25, 1596.

In order that our vassals may be encouraged to discover and people the Indies, and may live with the comfort and convenience which we desire: It is our will that houses, lots, lands, "cabellerias" and "peonias" may and shall be distributed to all those who may go to populate new lands in towns and places, which the governor of the new settlement may allot to them, making a distinction between gentlemen (escuderos) and peasants (peones), and those of lower degree and merit, and increase and better their grants in view of the character of their services, in order that they may promote agriculture and cattle raising; and after they shall have made their homes thereon and worked the lands, and resided in those settlements (pueblos) four years, we grant them power thereafter to sell and dispose of the same freely at their will, as a thing belonging to them; and likewise according to their quality, the governor, or whoever may be empowered by us, may entrust natives to them in the allotments he may make, in order that they may enjoy their products (aprovechamientos) and their labor (demoras), according to the rate of tribute established and the provisions governing the matter.

And because it could happen, that in distributing the lands, a doubt could arise regarding the measures, we declare that a "peonia" is a lot fifty feet wide by one hundred long; one hundred "fanegas" of land worked in wheat or barley, ten of corn, two "huebras" of land for orchard, and eight for the planting of other trees for dry ground,

[Planting pasture land for ten sows, of trees by twenty cows, and five mares, settlers.] one hundred sheep, and twenty goats. A "caballeria" is a lot one hundred feet wide and two hundred long; and the rest of it equivalent to five "peonias", which shall be five hundred "fanegas" worked for wheat or barley, fifty of corn, ten "huebras" of land for orchards, forty for planting other trees for dry ground, land for the pasture of

[Planting of trees by fifty sows, one hundred cows, settlers.] twenty mares, five hundred sheep, and one hundred goats.

And we order that the distribution shall be made in such a manner that every one will have a share in the good and medium, and any which would not be either, in the proportion which should be assigned to each one.

Emperor Charles in Toledo on May 19, 1525.

To the persons who, upon the new settlement of a province, should have lands and lots in a pueblo, no lands or lots shall be given or allotted to them in another, unless they shall abandon their first place of residence and go to live to that newly peopled, and unless they shall have lived in the first place of residence the four years required to acquire ownership, or unless they should leave them and not use such lots and lands owing to said four years not having elapsed; and we declare to be null any allotment made against the decision made in this our law, and we sentence those who may have done so to the penalty of the loss of our favor (en pena de la nuestra merced), and to pay ten thousand maravedis into our coffers.

LAW III.

Don Filips II, Ordinance 107.

Those who accept the allotment of caballerias and peonias shall obligate themselves to build on the lots, have the house occupied, prepare and distribute lands for cultivation and have them cultivated, and planted, and stocked with cattle, if they be grazing lands, within a limited period of time, distributed according to its terms (?), and declaring what is to be done on each section, under the penalty of losing the distribution of lots and lands and a certain amount of maravedis to the republic, binding themselves in a public form, with good and sufficient surety.

LAW IV.

Philip II, year 1568. And in Madrid on May 18, 1572. And in Valencia on February 15, 1586.

If there should be any sites or regions in the lands discovered in the Indies so good that it would be advisable to establish towns thereon, and some persons should be desirous of establishing themselves and residing thereon, in order to encourage and benefit them, the Viceroy and presidents shall give them in our name lands, lots and waters, according to the disposition of the land, provided it be not to the prejudice of a third person, for such time as it may be our will.

LAW V.

Emperor Charles in Barcelona, April 4, 1532.
Philip II, Ordinance of Audiencias of 1563,
and Ordinance 58 in Toledo on May 25, 1596.

If lands, waters, watering places and pasture lands are to be distributed among those going to people them, the Viceroy or governors authorized to do so by us, shall make the distribution, after hearing the councils (cabildos) of the cities (ciudades) or villas, taking into consideration that the members of the councils (regidores) be preferred, if they should not hold equivalent lands and lots; and the natives be left their lands, tenements and pasture grounds, in order that they may not lack what is necessary and may have all the comfort and rest possible for the support of their homes and families.

LAW VI.

Emperor Charles on June 26, 1523, and in Toledo on May 24, 1534.

In making the distribution of lots, caballerias and peonias of lands which are to be given to the residents: We command that the solicitor (procurador) of the city or villa where it is to be made be present.

LAW VII.

Philip II in Pardo on April 16, 1588.

We command that the distribution of lands in new settlements as well as in places and districts already populated, be made with full justification, without distinction as to persons or favoritism, nor prejudice to the natives.

LAW VIII.

The same, Ordinance of 1563.

We command that if a petition be presented requesting the grant of lots or lands in a city or town (villa) in which one of our audiencias is situated, such presentation be made to the municipal council (cabildo), and if it should grant it, two members of the council shall be designated as a committee to report to the Viceroy or President the action of the council, and the Viceroy or President and the councilmen designated having examined the matter, the grant (despacho) shall be signed by all in the presence of the clerk of the Council and delivered to him for entry upon the Book of the Council; and if the petition should be for the distribution of waters and lands for sugar plantations, it shall be first presented to the Viceroy or President, and by him sent to the municipal council, which, upon approving it, shall inform the Viceroy or President of its action through a councilman, in order that he may issue the proper orders.

LAW IX.

The same in Madrid on June 11, 1594.

We command that the tenements and lands given to the Spaniards be without prejudice to the natives, and that those given to their prejudice and injury be returned to the persons to whom they rightfully belong.

LAW X.

Emperor Charles and the reigning Empress in Madrid on October 27, 1535.

Let the lands be distributed without excess between the discoverers and ancient settlers, and their descendants, who are to remain in the land, and let preference be given to those of higher rank, and let them not be sold to a church or monastery, nor to any other ecclesiastic person, under the penalty of forfeiting the same and having them allotted to others.

LAW XI.

The same in Valladolid on November 20, 1536.

All residents and dwellers to whom lands may be distributed, shall be obliged within three months of the time they are allotted to them, to take possession thereof and plant willows (sauces) and trees along [Planting their boundaries with other lands, of trees by if seasonable, so that, in addition to placing the land in a good and suitable condition, it be possible to use the timber (wood) which might be necessary, under the penalty that, upon the expiration of this period, if such plants shall not have been planted, they shall lose the land, which may be disposed of or given to any other settler, which shall apply not only to lands but to towns (pueblos) and the ditches along the confines of each city or villa.]

LAW XII.

Provides that no lands shall be granted for cattle farms near towns or plantations of natives. [Note by Bureau of Insular Affairs, War Department.]

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